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PARLIAMENTARY INVOLVEMENT IN EU AFFAIRS DURING  
TREATY NEGOTIATIONS IN A HISTORICAL COMPARATIVE  
PERSPECTIVE: THE CASES OF THE AUSTRIAN, FINNISH AND  
LUXEMBOURGISH PARLIAMENTS

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**Estelle BADIE**

## **“Parliamentary Involvement in EU Affairs During Treaty Negotiations in a Historical Comparative Perspective: the Cases of the Austrian, Finnish and Luxembourgish Parliaments.”**

### **Abstract:**

Until recently, studies on the Europeanisation of national parliaments mostly tended to focus on the evolution of their institutional capacities rather than on their actual behaviour in EU affairs. This thesis seeks to identify variations in behavioural patterns between the Austrian, Finnish and Luxembourgish legislatures. The historical comparative perspective bases mainly on political and societal similarities between the countries. Based on historical and Sociological Institutionalism, the thesis aims to analyse the evolution and motivations of parliamentary involvement in the field of European affairs over a period running from the negotiations on the Treaty establishing a Constitution for Europe until the Treaty on Stability, Coordination and Governance in the EMU. By including both institutional and motivational indicators, the objective consists of identifying the extent to which parliamentary involvement in EU matters has been challenged in the framework of EU treaties and intergovernmental treaties on the EMU. We address the following questions: What institutional and motivational factors influenced parliamentary involvement in EU affairs? What parliamentary initiatives have been taken to improve participation in EU affairs? In which direction did institutional change happen and who triggered it? The present thesis bases primarily on qualitative data, i.e. interviews with parliamentarians, civil servants from parliamentary administrations and parliamentary group collaborators. Thereby we aim to produce empirical in-depth knowledge on actual parliamentary behaviour in each studied country. Thus, the assessment of parliamentary involvement in EU affairs through the lenses of parliamentarians’ motivations and their institutional context helps to investigate the parliamentary “black box”.

**Estelle BADIE**

## **« L'implication parlementaire en matière européenne pendant les négociations de traités à travers une perspective historico-comparative : les cas de l'Autriche, de la Finlande et du Luxembourg. »**

### **Résumé:**

Jusqu'à récemment, les études menées sur l'Européanisation des parlements nationaux se sont principalement focalisées sur l'évolution de leurs capacités institutionnelles plutôt que sur leur comportement effectif en matière européenne. Cette thèse vise à expliquer les variations comportementales entre les parlements Autrichien, Finlandais et Luxembourgeois. La perspective historico-comparative se base sur des similitudes politiques et sociétales entre les pays. Fondée sur l'institutionnalisme historique et sociologique, la thèse poursuit l'objectif d'analyser l'évolution et les motivations de l'implication parlementaire en matière européenne sur une période allant des négociations sur le Traité établissant une Constitution pour l'Europe jusqu'au Traité sur la Stabilité, la Coordination et la Gouvernance dans l'UEM. En incluant à la fois des indicateurs institutionnels et motivationnels, le but consiste à identifier comment l'implication parlementaire en matière européenne a été mise à l'épreuve dans le cadre des traités fondateurs européens et des traités intergouvernementaux sur l'UEM. Les questions suivantes vont être traitées : Quels facteurs institutionnels et motivationnels ont influencé l'implication parlementaire en matière européenne ? Quelles initiatives parlementaires ont-elles été prises pour améliorer la participation en matière européenne ? Dans quelle direction le changement institutionnel a-t-il eu lieu et qui en a été à l'origine ? Cette thèse se base avant tout sur des données qualitatives, tels que des entretiens avec des parlementaires, des fonctionnaires des administrations parlementaires et des collaborateurs de groupes parlementaires. De cette façon, la thèse vise à produire une connaissance empirique approfondie de l'implication parlementaire effective dans chacun des pays étudiés. De ce fait, l'évaluation de l'implication parlementaire en matière européenne au travers les motivations des parlementaires et de leur contexte institutionnel nous aidera à explorer la « boîte noire » parlementaire.

**Estelle BADIE**

## **“Parlamentarische Beteiligung in EU-Angelegenheiten während Vertragsverhandlungen aus einer historisch-vergleichenden Perspektive: die Fälle Österreichs, Finnlands und Luxemburgs.“**

### **Zusammenfassung:**

Bis vor kurzem haben sich Europäisierungsstudien über nationale Parlamente hauptsächlich auf die Entwicklung ihrer institutionellen Fähigkeiten fokussiert, anstatt ihres effektiven Handelns in EU-Angelegenheiten. Diese Promotionsarbeit verfolgt das Ziel, Variationen der Verhaltensmuster zwischen den Österreichischen, Finnischen und Luxemburgischen Parlamenten zu identifizieren. Die historisch-vergleichende Perspektive basiert überwiegend auf politische und gesellschaftliche Ähnlichkeiten zwischen den Ländern. Die Promotionsarbeit beruht auf historischem und soziologischem Institutionalismus und zielt darauf, die Entwicklung und Motivationen parlamentarischer Beteiligung in EU-Angelegenheiten zu analysieren über einen Zeitraum von den Verhandlungen des Vertrags über eine Verfassung für Europa bis zum Vertrag über Stabilität, Koordinierung und Steuerung in der WWU. Durch die Einbeziehung von institutionellen und motivations- Indikatoren ist das Ziel zu erklären in welchem Maß parlamentarische Beteiligung in EU-Angelegenheiten im Rahmen der EU-Verträge und intergouvernementale Verträge über die WWU herausgefordert wurde. Wir behandeln folgende Fragen: Welche institutionelle und motivations- Faktoren haben parlamentarische Beteiligung in EU-Angelegenheiten beeinflusst? Welche parlamentarische Initiativen wurden ergriffen um Beteiligungsrechte in EU-Angelegenheiten zu stärken? In welcher Richtung ereignete sich der institutionelle Wandel und wer löste ihn aus? Diese Promotionsarbeit stützt sich überwiegend auf qualitative Daten, d.h. Interviews mit Abgeordnete, Beamte der parlamentarischen Verwaltungen und Mitarbeiter parlamentarischer Gruppen. Unser Ziel ist es, empirisches fundiertes Wissen über effektives parlamentarisches Handeln in jedes studierte Land zu erzeugen. Aus diesem Grund ist die Analyse parlamentarischer Beteiligung in EU-Angelegenheiten aus Sicht der Motivationen der Abgeordneten und deren institutionellen Kontext hilfreich zur Untersuchung der parlamentarischen „Blackbox“.

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## LIST OF ABBREVIATIONS

**AT:** Austria

**BMEIA:** Bundesministerium für Europa, Integration und Äusseres (Ministry of European and Foreign Affairs, Austria)

**CFSP:** Common Foreign and Security Policy

**ChD :** Chamber of Deputies

**COMFI:** Finance Committee

**COSAC:** Conference of Parliamentary Committees for Union Affairs of Parliaments of the European Union

**CSV :** Chrëschtlech-Sozial Vollekspartei (Christian Social People's Party)

**CT:** Constitutional Treaty / Treaty establishing a Constitution for Europe

**DP :** Demokratesch Partei (Democratic Party)

**EAC:** European Affairs Committee

**EEA:** European Economic Area

**EEC:** European Economic Community

**EFSF/EFSM:** European Financial Stability Facility/ European Financial Stabilisation Mechanism

**EFTA:** European Free Trade Association

**EMU:** Economic and Monetary Union

**ESM:** European Stability Mechanism

**EU HA /EU UA :** EU-Hauptausschuss (EU Grand Committee) / EU-Unterausschuss (EU Sub-Committee)

**EU :** European Union

**EWM:** Early Warning Mechanism

**FPÖ:** Freiheitliche Partei Österreichs (Freedom Party of Austria)

**FI:** Finland

**GC:** Grand Committee

**HI:** Historical Institutionalism

**IPEX:** InterParliamentary EU information eXchange

**KESK:** Keskusta (Centre Party)

**KOK:** Kokoomus (National Coalition Party)

**LSAP :** Lëtzebuerger Sozialistesche Aarbechterpartei (Luxembourg Socialist Workers' Party)

**LT:** Treaty of Lisbon

**LU:** Luxembourg

**MEP:** Member of the European Parliament

**MP:** Member of Parliament

**OPAL:** Observatory for Parliaments After the Lisbon Treaty

**ÖVP :** Österreichische Volkspartei (Austrian People's Party)

**PQ:** Parliamentary question

**PS:** Perussuomalaiset (True Finns)

**RoP:** Rules of Procedure

**SFP:** Svenska Folkpartiet i Finland (Swedish People's Party of Finland)

**SI:** Sociological Institutionalism

**SME:** Small and Medium-sized Enterprises

**SPÖ :** Sozialdemokratische Partei Österreichs (Social Democratic Party of Austria)

**TEU :** Treaty on the European Union

**TFEU:** Treaty on the Functioning of the European Union

**TSCG :** Treaty on Stability, Coordination and Governance in the European Monetary Union

**VAS:** Vasemmistoliitto (Left Alliance)

**VIHR:** Vihreä liitto (Green League)



## Chapter 1. Introduction

Scholarly attention on national parliaments has shifted in the course of the past decades, starting from the so-called “de-parliamentarisation” thesis to the recognition that parliamentary capacities in EU politics have been strengthened, step by step. Studies on the role of national parliaments within the European Union have multiplied over the course of the last two decades. This growing interest in legislatures has been triggered by the realization that the strengthening of European institutions benefited national executives at the expense of national legislatures (O’Brennan/Raunio, 2007). However, the handling of EU affairs in legislatures does not translate into stronger formal prerogatives and reinforced legal bases. What has been insufficiently taken into account until recently is the actual use of instruments established within parliaments over the course of the European integration. The same goes for parliamentary actors’ motivation to engage in EU affairs and use these instruments. Therefore, how can we assess parliamentary involvement with regard to EU politics? How did it evolve and what role do parliamentarians play in the development of their legislatures’ formal capacities? The present thesis aims to contribute to the new research strand in Legislative Studies investigating the motivational dimension of Europeanisation (see Gava/Sciarini/Varone, 2017). Consequently, we chose to focus on historical events that represented big steps for both the European integration process and the role of national parliaments: European and intergovernmental treaties on the EMU.

This chapter aims to outline the objectives, research questions and scope of our contribution to Legislative Studies. We will use a comparative research design that seeks to produce in-depth knowledge on the Luxembourg Chamber of Deputies, the Austrian National Council and the Finnish Eduskunta. The first section presents the overall evolution of scholarly attention on the role of parliaments in EU politics. The next section justifies the case selection. Finally, we will discuss the objectives, questions and hypotheses guiding this study.

### 1.1 Evolution of scholarly attention on parliamentary involvement in EU affairs

The focus on the role of national parliaments in the European decision-making process became especially reinforced in the 1990s when a series of European treaties mentioned their competences for the first time in the history of European integration. According to O’Brennan and Raunio, three phases can be observed in research trends since the 1990s: the first phase runs from the 1990s to the beginning of the 2000s and is characterised by the predominance of the “de-parliamentarisation thesis”. The second phase runs from the beginning of the 2000s until the ratification of the Lisbon Treaty and is reflected by the “re-parliamentarisation thesis” and a general agreement on the strengthening of parliamentary scrutiny prerogatives. Finally, the phase from the Treaty of Lisbon until now witnesses the return of sceptical studies on parliaments’ participation rights in the European decision-making process. With the entry into force of the Maastricht Treaty on 1<sup>st</sup> November 1993, the role of national legislatures in the

European decision-making process has been anchored for the first time in a supranational treaty. However, the broad wording of the “Declaration on the role of national parliaments in the European Union” attached to the treaty missed to clarify the exact prerogatives assigned to national legislatures in the European policy process. Moreover, the declaration had no legal binding character and merely encouraged legislatures’ stronger participation in “activities of the European Union”, promoting the need for better information exchange and cooperation with other national parliaments and the European Parliament<sup>1</sup>. The Treaty of Amsterdam, which entered into force on 1<sup>st</sup> May 1999, included a “Protocol on the role of national parliaments in the European Union”. This protocol widened substantially the participation rights of national parliaments<sup>2</sup>.

Despite these evolutions and the growing awareness that the role of national parliaments should be strengthened, the “de-parliamentarisation thesis” persisted until the beginning of the 2000s. Scholars supporting this thesis (Maurer/Wessels, In: Maurer/Wessels, 2001; Norton, 1996) argued that European integration caused a shift of power, both from the national parliaments to their executives, and from national parliaments to European institutions. Their conclusions underlined the discrepancy between, on the one hand, the reinforcement of European and national legal bases and formal rules with regard to the participation rights of legislatures, and on the other hand the quasi-absence of implementation of these new prerogatives in parliaments’ daily work. Most scholars have thus perceived the impact of European integration on national legislatures negatively until recently.

Research on the role of national parliaments has shifted towards more positive conclusions from the beginning of the 2000s onwards. Indeed, further declarations and treaty reforms, such as the Laeken Declaration from 15<sup>th</sup> December 2001, the Nice Treaty from 1<sup>st</sup> February 2003, the failure of the Treaty establishing a Constitution for Europe and lastly the Treaty of Lisbon from 1<sup>st</sup> December 2009, revived the debate about the participation rights of legislatures in the European decision-making process. They gave new hopes with regard to the strengthening of parliaments’ role in EU affairs. Scholars called the “de-parliamentarisation thesis” into question, in particular in light of substantial evolutions regarding formal parliamentary participation rights in EU politics. They suggested that legislatures are no longer reactive actors, but try instead to shape actively EU policymaking. Authors defending this argument highlighted the fact that parliaments increasingly developed their scrutiny rights on the national level through institutional reforms in order to gain influence over their respective governments (Benz, 2004; Duina/Oliver, 2005; O’Brennan/Raunio, 2007; Richardson/Mazey, 2006; Sverdrup, 2004). They did not reject the fact that governments and European institutions still play a predominant role in the decision-making process, but rather argued that the position of national parliaments within the national and European polities improved over the last two decades.

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<sup>1</sup> See Declaration on the role of national parliaments in the European Union, In: Treaty on European Union – Maastricht Treaty, 29.07.1992, p.100. Available online under [http://europa.eu/eu-law/decision-making/treaties/pdf/treaty\\_on\\_european\\_union/treaty\\_on\\_european\\_union\\_en.pdf](http://europa.eu/eu-law/decision-making/treaties/pdf/treaty_on_european_union/treaty_on_european_union_en.pdf) [last accessed on 20.07.2016].

<sup>2</sup> See « Protocol on the role of national parliaments in the European Union », In : Treaty of Amsterdam, p.113. Available online under: [http://europa.eu/eu-law/decision-making/treaties/pdf/treaty\\_of\\_amsterdam/treaty\\_of\\_amsterdam\\_en.pdf](http://europa.eu/eu-law/decision-making/treaties/pdf/treaty_of_amsterdam/treaty_of_amsterdam_en.pdf) [last accessed on 20.07.2016].

This point of view started to change again in the aftermath of the Lisbon Treaty and the wake of the Eurozone crisis. Studies calling the “re-parliamentarisation thesis” into question have multiplied in recent years (Auel/Christiansen, 2015; Auel/Höing, 2015; Bellamy/Kroger, 2014; Buzogany/Stuchlik, 2011; Cooper, 2006; Cygan, 2012 and 2013; Raunio, 2009; Wessels/Rozenberg et al., 2013). Despite a visible improvement of scrutiny rights in European affairs, scepticism remains whether national parliaments do effectively use their rights to participate in EU politics (Auel, 2015). Doubts have also been raised whether parliaments would effectively use the procedures in the framework of the Early Warning Mechanism (Buzogany/Stuchlik, 2011; Cooper, 2006). Cygan, for instance, analyses the extent to which the Treaty of Lisbon has improved the accountability and legitimacy of European legislation and therefore the role of national parliaments (Cygan, 2011). He concludes that the monitoring of the subsidiarity principle loses its significance due to the absence of direct control possibilities of European legislation. Similarly, the financial crisis represents an additional challenge for national parliaments, especially because national executives exclusively led negotiations on help packages. The crisis has shown that national executives are still the main decision-makers, especially during European Council summits (Wessels/Rozenberg et al., 2013). No particular parliamentary tool exists to monitor directly the activities of the Council during Euro Summits. In this respect, European decision-making becomes increasingly opaque for national parliaments.

Despite strengthened formal rules anchored in European Treaties and national laws, discrepancies between parliaments’ formal capacities and their actual involvement have widened over the last years. Our research aims to explain parliamentary involvement in EU affairs in the Luxembourgish, Austrian and Finnish lower chambers over the period running from the Treaty establishing a Constitution for Europe, until the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union (TSCG). In light of the academic debates outlined above, we deliberately chose to focus on a period characterised by parliaments’ growing awareness of their role in EU affairs. Scholars analysing the evolution of parliamentary involvement base their research mainly on the Europeanisation approach.

## 1.2 Legitimisation of the comparison and case selection

The present thesis relies on a comparison of legislative chambers in three small states: Austria, Finland and Luxembourg. The choice of these cases relies on pragmatic reasons. In order to explain variations in parliamentary involvement between the cases, we sought to choose legislatures evolving in similar institutional environments in order to harmonise the comparative base. A coherent comparative base facilitates possible conclusions and eventual generalisations. Moreover, unlike lower houses, upper houses do not have the same control powers over the Executive, hence our choice to leave them out of our comparison (in this case the Austrian Bundesrat). For instance, the Austrian Bundesrat is described as a weak chamber with regard to the scrutiny of its government’s policy: “[...] the Federal Council is politically a rather impotent institution [...]” (Pollak, 2003, p.709). However, voluntarily ignoring the Austrian upper house does not mean that it will not be taken into consideration during the

analysis of the lower houses' activities. In fact, bicameralism is a more complex system where both houses are closely related to each other during the decision-making process.

In the following sections, we expose the reasons to compare three legislatures. We decided to focus on similar cases with regard to their institutional settings in order to account for differences in parliamentary involvement in EU politics. Institutional features and macro-level indicators will help justify the similarities and differences between the three compared cases.

### *1.2.1 Parliamentary strength in EU affairs*

The starting point of our comparison is the observation that despite several similarities, which will be outlined below, these three cases differ from each other in terms of parliamentary involvement in European affairs. We based the choice of the cases on several rankings made by scholars on legislatures' institutional capacities to scrutinise EU politics (Auel/Rozenberg/Tacea, In: Hefftlar/Neuhold/Rozenberg/Smith, 2015; Karlas, 2011; Maurer/Wessels, 2001; Raunio, 2005; Winzen, 2012). Each legislature studied in the present thesis is located at a different point on the established scales measuring parliamentary power in European affairs. In all rankings, we observe the same trend towards a gradation of parliamentary capacities, ranging from weakest legislatures (among them the Luxembourg Chamber of Deputies), to medium-strong (Austrian National Council) and strong parliaments (Finnish Eduskunta)<sup>3</sup>. Weakness, as defined by Kiiver, "is mainly indicated by a passive or reactive parliamentary attitude as regards the government's policy formulation, a low level of expertise among MPs in European affairs, and little interest in scrutinizing this policy area" (Kiiver, 2006, p.62). While the Finnish and Austrian parliaments are described as "national players", the Luxembourg Chamber of Deputies is presented as a "slow adapter" (Maurer/Wessels, 2001, p.462). A "national player" is characterised by its formal ability to "voice its interests within the national arena", while a "slow adapter" is unable to adapt to European integration and is thus less able to influence EU politics due to a lack of resources (Maurer, In: Maurer/Wessels, 2001). However, unlike the other two legislatures, the Austrian parliament has a more ambiguous position in the rankings. Indeed, some scholars consider it as a strong parliament according to purely formal criteria, while others rank it as a medium-strong parliament characterised by insufficient practical use of formal tools. For example, Miklin states that "[t]he Austrian Parliament and its engagement in EU affairs has long been seen as a prototypical example of the gap between formal provisions and powers, on the one hand, and daily practice and influence, on the other" (Miklin, In: Hefftlar/Neuhold/Rozenberg/Smith, 2015, p.403). For the purposes of this thesis, we will support the stance of most scholars who agree to rank the Austrian parliament as a medium-strong legislature (Auel/ Rozenberg/ Tacea, In: Hefftlar/ Neuhold/ Rozenberg/ Smith, 2015; Karlas, 2011; Winzen, 2012).

To illustrate the differentiated institutional capacities of the three compared legislatures, we will give some examples hereafter. Although all three parliaments have established EACs at approximately the same time<sup>4</sup>, their status and competences differ greatly. For example, the

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<sup>3</sup> See the ranking made by Kiiver (2006).

<sup>4</sup> The Luxembourg Chamber of Deputies established its EAC in 1989, the Austrian National Council in 1995 and the Eduskunta added European Affairs to the prerogatives of its Grand Committee in 1994.

Luxembourgish European Affairs Committee is not only competent for EU matters, but also for foreign affairs, migration, defence and cooperation. The Austrian National Council and the Finnish Eduskunta have “Grand committees”, even though with different prerogatives and an additional sub-committee for EU affairs in the Austrian lower chamber. On the one hand, in Austria<sup>5</sup> and Finland<sup>6</sup>, parliamentary involvement and coordination mechanisms with their respective government are anchored in the Constitution and the parliamentary Rules of Procedures. In Luxembourg, on the other hand, parliament’s rights in EU affairs are only mentioned in the internal Rules of Procedures and have no constitutional status<sup>7</sup>. How can we explain these differences in terms of parliamentary involvement in EU affairs? Most importantly, why do we observe these differences despite the three cases having several institutional commonalities? The next sections will outline some of the criteria illustrating the most significant similarities between the cases.

### *1.2.2 Small-sized legislatures*

The first main common feature of the three cases is their size. The compared countries and their legislature are characterised by their small size. We assume that a legislature’s size might affect its ability to participate in EU politics, as well as MPs’ motivations regarding European affairs. Definitions of small states are not unanimous. While in International Relations the common understanding of smallness bases mostly on rigid criteria such as the geographical size, the GDP of a country, the number of votes in the Council of the European Union or general financial means (Panke, 2010), others argue that material resources should not be considered as main explanatory factors (Hey, 2003; Rothstein, 1968). Panke uses formal criteria to explain why small states are confronted to bigger challenges to influence EU policy-making. According to the author, small states have less votes in the Council of the European Union as well as “undersized staff and fewer financial means”, less expertise and information, therefore “structural disadvantages for shaping European policies [...]” (Panke, 2010, p.801). For instance, if we look at the parliamentary composition in the three studied legislatures, we observe that the number of parliamentarians is rather low. The Luxembourg Chamber of Deputies is composed of only 60 MPs<sup>8</sup>, while the Austrian National Council has 183<sup>9</sup> and the Finnish Eduskunta 200 MPs<sup>10</sup>. The fact that two of the three legislatures (Luxembourg Chamber of Deputies and Finnish Eduskunta) are constituted of only one chamber also supports the argument that material resources determine parliamentary involvement. Considering only

<sup>5</sup> See Article 23 of Austrian Federal Constitution (Bundesverfassungsgesetz), 08.01.2016.

<sup>6</sup> See sections 96 and 97 of The Constitution of Finland, 11 June 1999 (amended in 2011).

<sup>7</sup> See Rules of Procedure of the Chamber of Deputies, Title V, Chapter 15 « Des Affaires Européennes », Article 168 and « Aide-mémoire sur la coopération entre la Chambre des Députés et le Gouvernement du Grand-Duché du Luxembourg en matière de politique européenne » (Annex 3) added to the Parliament’s Rules of Procedure.

<sup>8</sup> [http://chd.lu/wps/portal/public!/ut/p/b1/Y7LDolwEEW\\_hS\\_odFpLuywPK6hlaSDajWFhjImPjfH7hcQNEIHvbjLn5F7iyY4q5EKBoJIsib-2j9OxvZ9u1\\_bc317sE0yaKuMIJrQcME\\_zsHYFM0nYAbsOgA\\_RMPQ3qROArGS6ctj9-ctHKV119DpVqo4gg5i61EYIGf7WP1Ew5S\\_Yuz8Ghn6zpoBRxmxeKIZW-O7LWHWrjV0tYzoDI2d\\_7h8XfPGLxe1yIBd\\_nveROgiehFmXCw!!/dl4/d5/L2dJQSEvUUt3QS80SmtFL1o2X0QyRFZSSTQyMEc3UTQwMkpFSjdVU04zRzMz/](http://chd.lu/wps/portal/public!/ut/p/b1/Y7LDolwEEW_hS_odFpLuywPK6hlaSDajWFhjImPjfH7hcQNEIHvbjLn5F7iyY4q5EKBoJIsib-2j9OxvZ9u1_bc317sE0yaKuMIJrQcME_zsHYFM0nYAbsOgA_RMPQ3qROArGS6ctj9-ctHKV119DpVqo4gg5i61EYIGf7WP1Ew5S_Yuz8Ghn6zpoBRxmxeKIZW-O7LWHWrjV0tYzoDI2d_7h8XfPGLxe1yIBd_nveROgiehFmXCw!!/dl4/d5/L2dJQSEvUUt3QS80SmtFL1o2X0QyRFZSSTQyMEc3UTQwMkpFSjdVU04zRzMz/) [last accessed on 24.05.2019]

<sup>9</sup> <https://www.parlament.gv.at/WWER/NR/MandateNr1945/> [last accessed on 24.05.2019]

<sup>10</sup> <https://www.eduskunta.fi/EN/kansanedustajat/Pages/default.aspx> [last accessed on 24.05.2019]

material resources and distribution of power can indeed lead to the conclusion that smaller states might be weaker and less able to influence European decision-making than bigger states. On the other hand, it could also be argued that due to their resource disadvantages, they are more prone to get involved in the political process to defend their interests.

In addition to the resource argument, the small size of a legislature can also be measured through its activity. First, due to their low number, all MPs in the three studied legislatures have overlapping memberships in several parliamentary committees. Parliamentarians from smaller legislatures are thus confronted with a heavier workload and less opportunities to specialise in a specific policy field because of their multiple memberships. Moreover, in the case of the Luxembourg Chamber of Deputies, some MPs hold only part-time mandates (Bossaert, In: Maurer/Wessels, 2001). With regard to EU-related activities, the small size of a legislature can also be understood as the limited capacity of the latter to influence governmental EU policies. Even if formally speaking the Finnish Eduskunta and the Austrian National Council have strong mandating rights, they practically never use the opportunity to subject their respective governments to a binding mandate due to partisan logics or the reluctance to block the policy-making process. Another example of limited parliamentary activity is the specific case of opinions sent in the framework of the Early Warning Mechanism and the Political Dialogue. Auel et al. have established activity scores considering these opinions (Auel/Rozenberg/Tacea, In: Hefftlér/Neuhöf/Robenberger/Smith, 2015). Their measurements clearly show that the Finnish Eduskunta, the Austrian National Council and the Luxembourg Chamber of Deputies lag behind. Indeed, if we consider the number of reasoned opinions submitted by each parliament since the establishment of the EWM, we observe that the Finnish Eduskunta and the Austrian National Council count among the parliaments that submitted the less opinions (Auel/Rozenberg/Tacea, In: Hefftlér/Neuhöf/Robenberger/Smith, 2015, p. 86).

Defining small states is thus not self-evident and depends on the adopted perspective. It can be understood either in terms of resources or in terms of psychological criteria (Thorhallsson/Wivel, 2006). Rothstein emphasises the latter, arguing that the size of a state depends primarily on how this state perceives itself and its environment:

“Any new definition should also take account of the fact that there is a psychological, as well as a material, distinction between Great and Small Powers. The latter earn their title not only by being weak but by recognizing the implications of that condition. Thus, *a Small Power is a state which recognizes that it cannot obtain security primarily by use of its own capabilities, and that it must rely fundamentally on the aid of other states, institutions, processes, or developments to do so; the Small Power's belief in its inability to rely on its own means must also be recognized by the other states involved in international politics* [author's emphasis]” (Rothstein, 1968, p.29).

Therefore, resources are less relevant characteristics than the perception that a state has of its position in its institutional environment. Small states are aware of their lack of influence on the international stage and therefore pursue a different strategy than big states. According to Wivel, small states tend to adopt a “smart state strategy”, i.e. a strategy centred on coordination, consensus and mediation (Steinmetz/Wivel, 2010; Thorhallsson/Wivel, 2006). Participation in international agreements and cooperation mechanisms permits them to avoid marginalisation and to secure their voice on the international stage. For instance, multilateralism and internationalism are the strategies adopted by Luxembourg, Austria and Finland in order to be



able to participate actively in economic agreements and to secure their position in the international and European decision-making process (Arter, 2000; Dumont/Spreitzer, 2012; Luif, In: Hanf/ Soetendrop, 1998). Membership in the European Union illustrates their objective to remedy isolation.

### *1.2.3 Accession time to the EU*

Luxembourg joined the European Union in 1957, while Austria and Finland joined in 1995. While Luxembourg as a founding Member State adapted incrementally to the European integration process, the newer members had to comply abruptly with the “*acquis communautaire*” from the moment they joined the European Union (Falkner, 2000). The parliaments of Austria and Finland had to develop quickly their institutional capacities in order to be able to deal with the information flow emanating from the European level. The pressure to adapt to the new institutional settings was thus higher in Austria and Finland than in Luxembourg. The main motivation of all three states to join the EU relied mainly on economic and security concerns (Antola, In: Laursen, 2006; Dumont/Spreitzer, In: Brouard/Costa/König, 2012; Luif, In: Hanf/Soetendrop, 1998). Indeed, Luxembourg’s main strategy is still its economic openness. As the country has few own economic sectors to rely on, its membership in the EU was a logical alternative. Before joining the EU, Luxembourg was already member of different alliances with its neighbour countries.

Austria and Finland joined the EU only in the 1990’s, but their objectives were the same as Luxembourg’s. Austria already sought to strengthen its relationship with the then European Coal and Steel Community in the 1950s. Its main aim at that time was to secure its access to the common European market. The positions on European integration in Austria differed among the political parties until the 1980’s (see Luif, In: Hanf/ Soetendrop, 1998). The ÖVP and the SPÖ changed their position towards the European integration in the late 1950s, fearing that the competition with the EEC countries would weaken the domestic industry. In reaction to the enhanced competition emanating from the EEC countries, Austria decided to join the EFTA in the 1960s. Only in the mid 1980’s, when the EU increasingly pressured Austrian SME’s competitiveness and reduced substantially the performance of the Austrian economic performance did the country think of the possibility to join the EU. Austria first negotiated the EEA agreement (Agreement on the European Economic Area) in order to prepare itself for the accession, which occurred one year later in 1995. Joining the EU resulted in a calculation of economic and security interests (Austria gave up its neutrality with its accession to the EU).

The same can be said about Finland. After the declaration of independence and its progressive autonomy from Russia, Finland got involved in several Nordic agreements in order to ensure its security and the economic stability in the region (Helsinki Treaty, Nordic Council). Its accession to the EU was one way to ensure its influence and to prevent its national interests to be undermined by the EU (see Raunio, In: Heffler/Neuhold/Rozenberg/Smith, 2015). Nowadays, while Luxembourg plays an arbitration and mediator role in the EU, Austria and Finland still try to defend their own interests in the European policy-making process. Thus, the accession period plays a significant role in the way each legislature conceives and scrutinises EU affairs.

#### *1.2.4 Consociational democracies and neocorporatism*

Our comparison founds on systemic and institutional similarities between the countries. Luxembourg has a parliamentary democracy in the form of a constitutional monarchy. Finland has been a semi-presidential regime until the constitutional reform in 2000, which triggered a shift of power from the President to the Government and Parliament. Finland moved closer to a parliamentary regime over the last years. While the former constitution gave more prerogatives to the President (Raunio/Wiberg, 2008), the constitutional reform transformed the rationalised parliamentarism by modifying the balance of power and removing some constraints on the Eduskunta. Formal parliamentary rules were strengthened and the parliament inherited strong control powers over governmental activities. However, actual parliamentary influence might still be limited due to the close link between governmental parties and their parliamentary party groups holding the majority of parliamentary seats. Austria's political regime is *de jure* semi-presidential since 1929. However, since the President is practically deprived of political power, the regime can *de facto* be qualified as parliamentary (Miklin, 2012). The National Council (Nationalrat) has strong formal prerogatives, which are, just as in Finland, insufficiently used in practice because of partisan logics (Pollak, 2003). The upper house, the Federal Council (Bundesrat), has a weaker position in the legislative process than the National Council. It is reduced to giving its approval to law initiatives. The Prime Minister is not even accountable to the Bundesrat. Consociationalism and neocorporatism are well developed in Austria.

Despite different political regimes and differentiated forms of rationalised parliamentarism, all cases are characterised by a consociational and neocorporatist system. Such a system is politically fragmented, but relatively stable due to consensus-seeking practices (Lijphart, 1969). The search for compromises between actors with divergent political orientations reflects the "deliberate joint effort by the elite to stabilize the system" (Ibid, p.213). While neocorporatism is characterised by a culture of compromise between interest groups (mostly from business and labour organisations) and the State, a consociational system applies particularly to the relationship between parties and the ruling government (Falkner, 2001). A certain type of government mainly characterises consociational systems, as Lijphart states it: "The grand coalition cabinet is the most typical and obvious, but not the only possible, consociational solution for a fragmented system" (Lijphart, 1969, p.213). In our cases, the political constellation in Austria, Finland and Luxembourg takes the form of coalitions. All three countries have had coalition governments for a long time, which were characterised by their exceptional longevity, the fragmentation of the political forces and their ideological diversity. Decision-making under coalition governments can only be effective if all parties have managed to reach a common agreement within a consensual framework. Conflicts between the ruling parties are thus rare in consociational systems, because actors are aware of the risks of political deadlocks. Luxembourg's governmental coalition (2013-2018) was composed of the Liberals (DP), the Socialist Workers Party (LSAP) and the Greens (Déi Gréng). In Finland, the coalition was composed of three parties (2015-2019): the Centre Party (KESK), the Finns Party and the National Coalition Party (KOK). In Austria, the Grand Coalition was formed of the



Social Democratic Party (SPÖ) and the Austrian People's Party (ÖVP) between 2013-2017<sup>11</sup>. This political constellation has been in place since the end of the Second World War, apart from some episodes where the FPÖ managed to replace the ÖVP in the 1980s or the SPÖ in the early 2000s. All coalition governments hold also a majority in their parliament. Thus, the lever of political action in the legislatures might be much higher for majority parties than for opposition parties. This in turn can potentially affect parliamentarians' involvement with regard to European affairs and thus overall parliamentary involvement. MPs from majority parties may have better chances to impose their views and decisions on EU issues than MPs from the opposition. Indeed, majority parties represented in the government might have fewer incentives to oppose the policies of their own counterparts on the executive level than opposition parties.

Corporatism implies the decentralisation of governmental power across constitutional and non-constitutional institutions (Pelinka, 1999). Neocorporatism, which is based on active institutionalised bargaining, cooperation and coordination between the State and various interest groups (mainly trade unions and employers' associations), is particularly prevalent in Austria (the so-called "austro-corporatism"). Social partnership is especially well-established between interest groups and governmental actors when it comes to economic and social policies. The federal organisations representing the largest socioeconomic groups are structured either in self-governed chambers or in independent associations and monitor the activities of their subnational units (Karlhofer, 2012). In particular, professional chambers enjoy an autonomous and influential status which is based on public law. Powerful interest groups and trade unions maintain close relationships with the political level, most of them being even linked to political parties. Political parties are represented for instance through professional associations in the five professional chambers: the Federal Chamber of Business (WKÖ), the Austrian Trade Union Federation (ÖGB), the Chamber of Labour (AK), the Chamber of Agriculture (LK) and the Association of Austrian Industrialists (VÖI). Moreover, each political party is also represented in the professional associations. For instance, the Austrian Business League and the Austrian Farmers' League belong politically to the ÖVP and are majoritarian in the chambers of business and agriculture (WKÖ and LK). The SPÖ is linked to the ÖGB and the AK (Tálos/Stromberger, 2005). According to Falkner, both the "interest group set up" and their "involvement in policy-making" are well-developed in Austria (Falkner, 2001, p.6). Indeed, interest groups can issue opinions during the law-making process. Austrian associations and chambers do not only perceive themselves as interest groups, but also as political consultants producing expertise even used by the Austrian government (Karlhofer, 2007).

Cooperation and social dialogue between state actors and various societal stakeholders characterises also Luxembourg's political system. Several political and societal actors are involved in the legislative process: bodies such as the Council of State, without whose reasoned opinions the parliament cannot vote on a legislative draft, or the Economic and Social Council, which is the main interlocutor in the Social Dialogue. Whereas the six professional chambers are governed by public law, business and trade union associations are governed by private law. Business associations from the steel and banking sectors, such as the Business Federation

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<sup>11</sup> The respective coalitions concern the following legislative periods: 2013-2017 for Austria, 2013-2018 for Luxembourg; 2015-2019 for Finland (status quo: 2016).

Luxembourg (FEDIL) or the Luxembourg Bankers' Association (ABBL), are particularly powerful. Trade union federations such as the Luxembourg Confederation of Christian Trade Unions (LCGB) and the Independent Trade Union Organisation (OGB-L) are the main actors on the employees' side. The chambers are constituted of the main socio-economic groups and are thus divided into the Chamber of Employees, the Chamber of Labour (both close to trade union associations), the Chamber of Civil Servants, the Chamber of Commerce, the Chamber of Agriculture and finally the Chamber of Trade (Schroen, In: Ismayr, 2009). Interest groups, associations and chambers maintain informal contacts with political parties, parliamentary committees and the ministerial bureaucracy (Schroen, In: Ismayr, 2009). Personal relationships and participation in party working groups give interest group representatives a particular weight in the decision-making process. Chambers have the right to issue opinions on the state budget or legislative proposals and can even submit legislative initiatives to the Chamber of Deputies and the Government. Moreover, every legislative proposal of the Government that might be of interest for the chambers must undergo a consultative process in those chambers concerned with the policy field, hence their essential role in the policy process. The Luxembourg decision-making model founds on a complex interrelation between various state and non-state actors seeking consensual decisions in the pre-parliamentary phase, which represents a significant challenge for the Chamber of Deputies (Hirsch, In: Lorig/Hirsch, 2008).

Interdependence between the State and civil society is also very strong in Finland (Rainio-Niemi, In: Alapuro/Stenius, 2010). One major characteristic of Finnish corporatism until the 1990s was the significant role of state committees. State committees have long been important actors in the policy-making process. Established by the government or a ministry, they examined matters of public concern by grouping representatives from the State and the civil society in rather informal formats. The close cooperation between representatives from associations and state actors ensures effective policymaking through compromise-seeking strategies and early-stage information exchange. The dissolution of the state committees since Finland's accession to the European Union has led to the erosion of associations' influence over the decision-making process (Rainio-Niemi, In: Alapuro/Stenius, 2010, p.262). Despite the fragmentation of the Finnish civil society, the biggest interest groups and trade unions are still actively involved and influential in the legislative process. Finnish interest groups are for instance the Central organisation of Finnish Trade Union (SAK), the Confederation of Finnish Industry and Employers (STK) and the Farm and forest producers (MTK).

In these three countries, the fragmentation of the political landscapes obliges political parties and actors involved in the decision-making process to make concessions and to seek compromises. Moreover, the existence of multiple domestic veto-players might affect parliamentary involvement with regard to European affairs. Indeed, the early involvement of interest groups, social partners and consultative bodies in the decision-making processes of the three countries has an impact on final political outcomes and thus on legislatures' ability to assert their position in the respective political systems. Austria's neocorporatist system represents a challenge especially for opposition parties that have less ties to the main stakeholders in the chambers, associations and trade unions. The biggest parties such as the ÖVP or the SPÖ have obvious advantages to influence policy-making at an early stage because of their various levers of action reaching deep into the local spheres of power. MPs' incentives

and practices regarding EU affairs should therefore be put in the context of their more or less close ties to extra-parliamentary actors.

The table hereunder (table 1) illustrates the main institutional similarities and differences between the studied cases.

**Table 1: Institutional similarities and differences characterising Austria, Finland and Luxembourg**

State	Size	Accession time	Political regime	Type of government	Type of political system	Parliamentary strength
AT	Small state	1995	Parliamentary democracy in practice but de jure semi-presidential	Grand coalition	Consociational, consensual, neo-corporatist	Medium-strong
FI	Small state	1995	Parliamentary democracy in practice	Coalition	consensual, neo-corporatist	Strong, national player
LU	Small state	1957	Parliamentary monarchy	Coalition	Consociational, consensual, neo-corporatist	Weak, slow adapter

Sources : Size (Dumont/Spreitzer, 2012; Müller, In: Strøm/Müller/Bergman, 2006); Accession time (Karlás, 2012; Raunio, 2005); Political regime (Spreitzer, Raunio, In: Heftler/Neuhold/Rozenberg/Smith, 2015; Müller, In: Strøm/Müller/Bergman, 2006); Type of government (Karlás, 2012); Type of political system (Hastings, In: De Waele/Escalona/Vieira, 2013; Poirier/Dumont et al., 2010; Pollak/Slominski, 2006; Raunio, 2004) ; Parliamentary strength (Auel/Rozenberg/Tacea, 2015; Maurer/Wessels, 2001; Raunio, 2005).

### 1.3 Timeframe

The present thesis will focus on extraordinary events within European integration that affected parliamentary involvement in European politics: the Treaty Establishing a Constitution for Europe, the Treaty of Lisbon, the European Stability Mechanism (ESM) and the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union (TSCG)<sup>12</sup>. The early 2000s represented a turning point in discussions on the role of national parliaments in the European Union. Atypical moments may indeed challenge parliamentarians' daily routines and lead to institutional change. Research on Europeanisation in Legislative Studies tends to focus mainly on public policies and less on treaties, because the executives negotiate the latter.

<sup>12</sup> See the contributions on the Eurozone crisis of Auel/Höing (2015), Deubner (2013), Miklin (2014), Rozenberg/Kreiling et al. (2013) and on the Treaty of Lisbon of Auel/Christiansen (2015), Cygan (2012), Gennart (2010), Neuhold/Smith, In: Heftler/Neuhold/Rozenberg/Smith (2015).

### *1.3.1 From the Convention to the Treaty establishing a Constitution for Europe*

The context of the negotiation process that led to the ratification and the failure of the Treaty establishing a Constitution for Europe is the starting point of the temporal scale. Several initiatives emanating from heads of state set the path for the new treaty in the early 2000s. The kick off meeting between EU leaders in Laeken on the 15<sup>th</sup> December 2001 laid the foundation for thorough discussions on the role of parliaments in the EU. Heads of State and government decided to organise a Convention on the Future of Europe responsible for drafting a proposal for a new EU Constitutional Treaty. The Laeken Declaration outlined the premises for an enhanced role of national parliaments within the European framework<sup>13</sup>. The Convention on the Future of Europe set up by the Laeken declaration started on 28<sup>th</sup> February 2002 and ended on 10<sup>th</sup> July 2003. Its aim was to refine the institutional and political framework of the European Union. Six themes were discussed, among others the role of national parliaments in the future institutional setting. The Working Group IV on “The role of National Parliaments” drafted a report in 2002 and made recommendations to improve parliaments’ influence in the EU decision making, for example through the increase of transparency of Council meetings<sup>14</sup>. The particularity of the Convention was foremost its unique composition. Delegations of national parliamentarians were sent from each European Member States. Representatives from the European Parliament, as well as from national executives, also participated in the different working groups. For the first time since the beginning of the European integration process, national parliamentarians and government representatives led discussions about future developments on the EU level. Considering that EU and intergovernmental treaty negotiations were and are usually led by executives, the Convention represents an exceptional parenthesis in the negotiation processes of EU treaties.

The Constitutional Treaty is thus the result of a long process that started with the European Convention and the Intergovernmental Conference in 2003 and ended with the signature of the Heads of State or government in Rome in October 2004. The treaty was meant to enter into force during the Finnish Presidency, at the end of 2006. The overall debate on the establishment of a Constitution for Europe was controversial and complex. The Constitutional Treaty was seen either as a project illustrating the emergence of a harmonious European political community, or as a project forcing European integration by eroding the sovereignty of the Member States (De Búrca, 2004). Despite its failure, the treaty itself and the negotiations that took place have been perceived as a crucial moment in European integration. The treaty rejection by founding members gave birth to an unprecedented crisis in the European Union. According to Cohen, “[t]he debacle is significant evidence, therefore, that the European project is undergoing the most serious crisis of its half-century history” (Cohen, 2005, p.58). Political leaders were forced to rethink the European political and economic model in order to guarantee

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<sup>13</sup> See the Laeken Declaration of 15.12.2001, p.5:

[http://www.cvce.eu/de/obj/laeken\\_declaration\\_on\\_the\\_future\\_of\\_the\\_european\\_union\\_15\\_december\\_2001-en-a76801d5-4bf0-4483-9000-e6df94b07a55.html](http://www.cvce.eu/de/obj/laeken_declaration_on_the_future_of_the_european_union_15_december_2001-en-a76801d5-4bf0-4483-9000-e6df94b07a55.html) [last accessed on 18.07.2016].

<sup>14</sup> Groupe de travail IV « Parlements nationaux » de la Convention européenne, Rapport du Président du groupe de travail IV « Parlements nationaux » aux Membres de la Convention, CONV 353/02 – WG IV 17, Bruxelles, 22.10.02, <http://european-convention.eu.int/pdf/reg/fr/02/cv00/cv00353.fr02.pdf> [last accessed on 24.05.2019]

its legitimacy and efficiency. They agreed for a period of reflection on possible solutions to remedy paralysis in the European project.

On 17<sup>th</sup> June 2004, EU Heads of State agreed on a version of the future Constitutional Treaty, which was signed on 29<sup>th</sup> October 2004. The treaty was ratified in Austria in June 2005, in Luxembourg on 10<sup>th</sup> July 2005 and in Finland on 5<sup>th</sup> December 2006 after both France and the Netherlands rejected it, respectively on 29<sup>th</sup> March 2005 and on 1<sup>st</sup> June 2005. While two ratification votes and a referendum took place in Luxembourg, the treaty was ratified in parliament in Austria and Finland. The absence of referendum in Finland and Austria can be explained by the low support and indifference of their public opinion regarding the new treaty. The population's indifference moved away from the primarily positive attitude of the elites in these countries. Luxembourg's, Finland's and Austria's positions can also be explained by their respective presidencies during the first semester of 2005, and the first and second semester of 2006. All countries supported the Constitutional Treaty and sought to promote further reflection after the negative outcomes of the referendums in France and the Netherlands. The governments of Luxembourg, Austria and Finland were overtly enthusiastic about the new Constitutional Treaty and defended common interests such as the strengthening of Europe's social dimension<sup>15</sup>. Austria in particular also highlighted the compatibility of its neutrality policy with the treaty.

How did the negotiation process leading to the Constitutional Treaty affect parliamentary work, parliamentarians' motivations and parliamentary structures? Reversely, how did MPs' motivations with regard to EU affairs determine parliamentary involvement in the follow-up of the negotiations? Considering these questions, we seek to investigate how and why parliamentarians used their institutional framework in the context of these events. For example, the difficult context of the Constitutional Treaty and the rather low results of the Luxembourg referendum led to an internal re-organisation in the Chamber of Deputies (Spreitzer, In: Heffler/Neuhold/Rozenberg/Smith, 2015). The Chamber established a "Europe strategy" in 2006. This strategy aimed to raise the awareness of MPs about EU affairs, to strengthen the overall participation rights of the parliament and to improve the information flow regarding EU matters. Moreover, the Chamber of Deputies created a representative office in Brussels in January 2006. The Austrian parliament also established a permanent representative in Brussels in 2005. Moreover, parliaments were given a new occasion to maintain direct contact with the EU level. The period of reflection between the failure of the Constitutional Treaty and the adoption of the Treaty of Lisbon led to the establishment of the Political Dialogue between national parliaments and the European Commission in 2006.

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<sup>15</sup> See <http://www.bundespraesident.at/newsdetail/artikel/heinz-fischer-unterzeichnet-ratifikationsurkunde-fuer-die-eu-verfassung/>, <http://www.eilen.fi/en/474/> and <http://www.verfassung-fir-europa.lu/fr/actualites/2005/07/10confpresse/index.html> [last accessed on 24.05.2019]

### *1.3.2 The Treaty of Lisbon and the recognition of parliaments' role in European policymaking*

The road to the Treaty of Lisbon has been long<sup>16</sup>. Negotiations on the Treaty of Lisbon can be placed in the context of the failed Treaty establishing a Constitution for Europe with the “No” resulting from the referenda in France and the Netherlands. After the rejection of the Treaty establishing a Constitution for Europe, the Heads of State agreed on a one-year period of reflection in June 2005. In May 2006, the then President of the European Commission Barroso launched the so-called Barroso initiative, which promotes a Political Dialogue between the European Commission and national parliaments. The drafting of the new treaty began in June 2007 and the signature on the 13<sup>th</sup> December 2007. Finally, after one negative referendum in Ireland, the treaty entered into force on the 1<sup>st</sup> December 2009. Opinions diverge on whether national parliaments managed to increase their participation rights in the wake of the Treaty of Lisbon (Buzogany/Stuchlik, 2011; Cygan, 2012). According to Neuhold and Smith, “the Lisbon Treaty can be seen as a turning point: for the first time, national parliaments were given the possibility of influencing European legislation, at least indirectly” (Neuhold/Smith, In: Heffler/Neuhold/Rozenberg/Smith, 2015, p.673). The role of national parliaments has been anchored in the main body of the Treaty, as well as in two additional protocols<sup>17</sup>. The new provisions provide them with new prerogatives and do not reduce them, at least formally, to mere “ex post rubber-stampers” in the European decision-making process (Paulo, 2012). Indeed, the Treaty of Lisbon recognises the role of national parliaments as contributors to the good functioning of the European Union. Their information rights were extended in the protocol n°1 on the role of national parliaments in the European Union. Formally, the Treaty of Lisbon represented a big step forward in the recognition of parliaments' role as scrutinisers of EU politics. With the subsidiarity monitoring procedure, parliaments can interact directly with the European level.

The Austrian National Council ratified the Treaty of Lisbon on 9<sup>th</sup> April 2008, the Luxembourg Chamber of Deputies on 29<sup>th</sup> May 2008 by a majority of votes and the Finnish Eduskunta on 11<sup>th</sup> June 2008. In all three chambers, a large majority of parliamentarians supported the treaty. All three countries perceived the Treaty of Lisbon as an important achievement after the rejection of the Treaty establishing a Constitution for Europe and the subsequent period of reflection. In Austria, the central topics dominating the debates on the new treaty were the compatibility between the country's neutrality and the new provisions of the Lisbon Treaty, as well as the role of the Austrian parliament in the European decision-making process. The judgement of the German Federal Constitutional Court of 30<sup>th</sup> June 2009 on the ratification of the Lisbon Treaty particularly caught the attention of the Austrian National Council. The judgement claimed a strengthened role for the German Bundestag in the EU decision-making process. Following this judgement, Austrian parliamentarians from the SPÖ and Green parties decided to launch a revision of the parliamentary Rules of Procedure in order

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<sup>16</sup> See <http://www.dw.com/en/the-eu-treaty-the-long-road-to-lisbon/a-2827008> [last accessed on 18.07.2016]

<sup>17</sup> Protocol on the role of national parliaments in the European Union and Protocol on the application of the principles of subsidiarity and proportionality

to include extended parliamentary rights regarding EU affairs<sup>18</sup>. Similarly, some parliamentarians from the Luxembourg Chamber of Deputies welcomed the new provisions of the Lisbon Treaty on national parliaments<sup>19</sup>. The Rules of Procedure of the Chamber were also modified in 2009 with the addition of an annex aiming to strengthen its scrutiny rights in EU affairs (Spreitzer, In: Heftler/Neuhold/Rozenberg/Smith, 2015). Overall, the Luxembourg Government and Parliament supported the Treaty of Lisbon as a project deepening the democratisation of the European Union<sup>20</sup>. Finland particularly welcomed the institutional innovations regarding security and defence aspects of the new treaty<sup>21</sup>. In its view, the Treaty of Lisbon was expected to be as close as possible to the Treaty establishing a Constitution for Europe. The democratisation of the European Union through the Treaty of Lisbon was seen as an important element to secure small states' interests. Just as Austria and Luxembourg, Finland also defended the idea of increasing the competences of national parliaments in EU politics (Laursen, In: Carbone, 2010). Agricultural policy was another topic that was especially sensitive during the negotiations in the Finnish case (Gassen, In: Lieb/Maurer/Von Ondorza, 2008).

The Treaty of Lisbon was symbolically significant for Luxembourg, Austria and Finland, because it marked the achievement of a long process of negotiation and challenges that all three countries had to partially tackle during their respective EU presidencies. Moreover, it represented a big step towards the recognition of national parliaments' role in the European decision-making process. The Treaty of Lisbon being almost a copy of the Constitutional Treaty, we may expect parliamentary involvement to be less challenged than during prior treaty negotiations. However, the new provisions might have led to institutional change within parliaments.

### *1.3.3 The ESM and Fiscal compact in the wake of the Eurozone crisis*

The Eurozone crisis represents another challenging moment for parliamentary involvement in EU politics. While the impact of the economic crisis was rather moderate in Luxembourg and Austria, Finland has been facing a more serious situation since the beginning of the financial crisis in 2008. The country has lost significant parts of its industry since 2008 and is now facing a more serious slump in GDP growth than during the crash in the 1990s<sup>22</sup>. In reaction to the worsening economic conditions, a Eurosceptic MP recently initiated a "Fixit"

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<sup>18</sup> See [http://diepresse.com/home/politik/eu/491552/LissabonVertrag\\_Urteil-hat-Auswirkung-auf-Osterreich](http://diepresse.com/home/politik/eu/491552/LissabonVertrag_Urteil-hat-Auswirkung-auf-Osterreich) and [http://www.ots.at/presseaussendung/OTS\\_20100630\\_OTS0364/begleitgesetz-zum-lissabon-vertrag-passiert-verfassungsausschuss-neben-spoe-und-oepv-sorgen-gruene-und-bzoe-fuer-breite-mehrheit](http://www.ots.at/presseaussendung/OTS_20100630_OTS0364/begleitgesetz-zum-lissabon-vertrag-passiert-verfassungsausschuss-neben-spoe-und-oepv-sorgen-gruene-und-bzoe-fuer-breite-mehrheit) [last accessed on 24.05.2019]

<sup>19</sup> See <http://www.europaforum.public.lu/fr/actualites/2008/05/ratification-luxembourg/index.html> [last accessed on 24.05.2019]

<sup>20</sup> Idem.

<sup>21</sup> See <http://www.formin.finland.fi/public/default.aspx?contentid=130002&nodeid=49298&contentlan=2&culture=en-US> [last accessed on 24.05.2019]

<sup>22</sup> <http://www.telegraph.co.uk/finance/12001895/Finlands-depression-is-the-final-indictment-of-Europes-monetary-union.html> [last accessed on 24.05.2019]



movement, claiming to exit the monetary union and to return to the old Finnish Markka currency. Luxembourg, on the other hand, never experienced an excessive public deficit situation despite a slowdown in economic growth. However, the country being an important European financial centre, the crisis measures triggered particular attention among parliamentarians. Despite negative growth trends between 2008 and 2010, Austria's economic situation improved in the last three years<sup>23</sup>. The crisis measures pushed to national-centred and sovereignist positions within each country, influencing the way parliaments treat EU affairs.

Within the timeframe of the Eurozone crisis, which encompasses a multitude of events, we chose to focus on two measures: the European Stability Mechanism (ESM) and the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union (TSCG). In line with the above exposed arguments on the diminished power of national parliaments within the economic and financial crisis framework, Landfried also argues that the TSCG and the ESM in particular had negative consequences on their legislative power (Landfried, 2012). Contrary to reforms of the economic and financial policies, which were solely decided by the European institutions and implemented by the Member States (two-pack, six-pack, European Semester), the ESM and the TSCG are intergovernmental treaties negotiated exclusively between Heads of State and governments and ratified by national parliaments. Both treaties were concluded separately as intergovernmental treaties under international law alongside European treaties<sup>24</sup>. The TSCG itself foresees the integration of its substance into the EU's legal framework within five years of the treaty's date of entry into force (Article 16 TSCG). Nowadays, discussions are still underway between Member States and the European Institutions to integrate the ESM into EU Law as a European Monetary Fund<sup>25</sup>. The integration of the TSCG into EU Law was discussed in 2018 in the Ecofin Council and is still under discussion in the EP<sup>26</sup>. Therefore, contrary to the two other treaties, we will not qualify them as EU treaties in the present thesis, but as intergovernmental treaties on the EMU.

The ESM's predecessors were the European Financial Stability Facility (EFSF) and the European Financial Stabilisation Mechanism (EFSM), "temporary rescue mechanisms" which were created by euro-area members on 9<sup>th</sup> May 2010<sup>27</sup>. Their aim was to provide financial assistance in the form of loans or credit lines to those EU Member States confronted with financial difficulties. The European Stability Mechanism was ratified by the euro-area members and entered into force on 27<sup>th</sup> September 2012. The EFSF and the ESM ran alongside from October 2012 until June 2013. However, since 1<sup>st</sup> July 2013, the EFSF cannot launch new assistance programmes anymore, thus focusing solely on the "management and repayment of

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<sup>23</sup> Wirtschaftsbericht Österreich 2016, Bundesministerium für Wissenschaft, Forschung und Wirtschaft, [http://www.bmwf.gv.at/Wirtschaftspolitik/Wirtschaftspolitik/Documents/Wirtschaftsbericht\\_WEBversion\\_neu\\_GW\\_65%20HW26.pdf](http://www.bmwf.gv.at/Wirtschaftspolitik/Wirtschaftspolitik/Documents/Wirtschaftsbericht_WEBversion_neu_GW_65%20HW26.pdf) [last accessed on 24.05.2019]

<sup>24</sup> [http://www.institutdelors.eu/media/fiscalpact\\_r.dehousse\\_ne\\_feb2012.pdf?pdf=ok](http://www.institutdelors.eu/media/fiscalpact_r.dehousse_ne_feb2012.pdf?pdf=ok) [last accessed on 18.07.2016]

<sup>25</sup> See <http://www.europarl.europa.eu/legislative-train/theme-deeper-and-fairer-economic-and-monetary-union/file-integration-of-the-esm-into-eu-law-by-creating-an-emf> [last accessed 24.06.2019]

<sup>26</sup> <http://www.europarl.europa.eu/legislative-train/theme-deeper-and-fairer-economic-and-monetary-union/file-integration-of-the-fiscal-compact-into-secondary-eu-law> [last accessed 24.06.2019]

<sup>27</sup> See [http://ec.europa.eu/economy\\_finance/assistance\\_eu\\_ms/intergovernmental\\_support/index\\_en.htm](http://ec.europa.eu/economy_finance/assistance_eu_ms/intergovernmental_support/index_en.htm) and [http://ec.europa.eu/economy\\_finance/eu\\_borrower/efsm/index\\_en.htm](http://ec.europa.eu/economy_finance/eu_borrower/efsm/index_en.htm) [last accessed on 18.07.2016].



any outstanding debt”<sup>28</sup>. As a permanent intergovernmental institution based in Luxembourg, the ESM has a lending capacity of €500 billion<sup>29</sup>. The TSCG was signed at the European Council Meeting on the 2<sup>nd</sup> March 2012 by 25 EU Member States and is only binding for euro-area members<sup>30</sup>. The treaty foresees common rules on economic and budgetary governance aiming to ensure that Eurozone members comply with the budgetary discipline. The signatories of the TSCG are required to reach gradually the Medium-Term Budgetary Objective (MTO) set in the framework of the Stability and Growth Pact without exceeding a structural deficit of 0.5% of GDP (the so-called “Golden Rule”)<sup>31</sup>. If the objective of a balanced budget is not respected, the European Court of Justice has the competence to impose financial sanctions to the members who do not implement the budget rules in national law. The ESM and the TSCG are closely interrelated since 1<sup>st</sup> March 2013. Indeed, only Member States that have ratified the Fiscal Compact can benefit from the financial assistance of the ESM.

While Luxembourg supported the ESM, it had an ambivalent position on the TSCG (Kroeger, 2014). Both treaties had a significant meaning for the country which economy relies mainly on external markets. A large majority in the Chamber of Deputies ratified the ESM. The TSCG generated debates and encountered opposition among members of government and parliament, the main criticism being that it favours austerity measures, reinforces national interests (which is against Luxembourg’s support towards federalisation), increases the shift of competence from the national to the European level<sup>32</sup>, threatens Luxembourg’s social and democratic model<sup>33</sup> and deprives the Chamber of Deputies of budgetary powers. Just as Luxembourg, Austria as an export-oriented economy mainly supported the ESM treaty (with the exception of the far-right parties BZÖ and FPÖ), because it established sanctions against Member States in breach of budgetary rules<sup>34</sup>. The TSCG, on the other hand, did not get the same support among parties. The BZÖ, FPÖ and the Greens even brought the treaty before the Austrian Constitutional Court in order to check its constitutionality (Jaros, 2014). Political tensions considerably increased from 2011 and 2013 during negotiations on the ESM and TSCG. In Finland, a majority of parliamentarians has approved both treaties, except by the True Finns (Leino/Salminen, 2013). Compared to Luxembourg and Austria, political debates on the economic crisis in Finland were particularly controversial and up-to-date. Indeed, 2011 was marked by parliamentary elections and a particularly politicised election campaign that revolved around the economic crisis. The True Finns picked up the crisis as their main electoral argument and gained substantial popularity among voters, destabilising the pre-existing stable

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<sup>28</sup> <http://www.esm.europa.eu/about/index.htm> [last accessed on 18.07.2016].

<sup>29</sup> See [http://ec.europa.eu/economy\\_finance/assistance\\_eu\\_ms/intergovernmental\\_support/index\\_en.htm](http://ec.europa.eu/economy_finance/assistance_eu_ms/intergovernmental_support/index_en.htm) [last accessed on 18.07.2016].

<sup>30</sup> [http://ec.europa.eu/economy\\_finance/articles/governance/2012-03-14\\_six\\_pack\\_en.htm](http://ec.europa.eu/economy_finance/articles/governance/2012-03-14_six_pack_en.htm) [last accessed on 18.07.2016].

<sup>31</sup> See [http://ec.europa.eu/economy\\_finance/economic\\_governance/sgp/convergence/index\\_en.htm](http://ec.europa.eu/economy_finance/economic_governance/sgp/convergence/index_en.htm) and [http://ec.europa.eu/economy\\_finance/economic\\_governance/sgp/preventive\\_arm/index\\_en.htm](http://ec.europa.eu/economy_finance/economic_governance/sgp/preventive_arm/index_en.htm) [last accessed on 18.07.2016].

<sup>32</sup> <http://www.europaforum.public.lu/fr/actualites/2012/01/asselborn-pacte-spiegel/index.html> [last accessed on 24.05.2019].

<sup>33</sup> <http://www.europaforum.public.lu/fr/actualites/2012/10/csl-traite-gouvernance/index.html> [last accessed on 24.05.2019].

<sup>34</sup> [https://www.parlament.gv.at/PAKT/PR/JAHR\\_2012/PK0558/](https://www.parlament.gv.at/PAKT/PR/JAHR_2012/PK0558/) [last accessed on 24.05.2019].

political landscape. By examining the economic and political contexts of these countries, we noticed that both negotiations on the ESM and TSCG triggered special attention.

The Eurozone crisis underlined the gap between national parliaments' institutional capacities to deal with the economic and financial crisis. According to Auel and Höing, the crisis constituted an unprecedented challenge for national parliaments, in the sense that it reinforced the power imbalance between legislatures and their executives in favour of the latter (Auel/Höing, 2015). Despite an overall trend among national parliaments towards enhanced parliamentary activities in European affairs, their main field of competence, namely budgetary power, became challenged and gutted by European and national executives. Since the beginning of the financial crisis, Heads of government manage to impose themselves in the European decision-making process, especially during European Council summits (Rozenberg/Kreilinger et al., 2013). No parliamentary tools have been established until now to monitor Euro Summits. As Deubner argues, national parliaments are not the main actors anymore with regard to decisions on public budgets, because of the growing intrusiveness of "external EMU governance actors" which are "inaccessible to their [the parliaments', personal emphasis] voice and vote" (Deubner, 2013, p.14).

These challenges have not only consequences on the institutional capacities of legislatures and their parliamentary practices, but also on national political dynamics as well as the overall political system. Indeed, Rozenberg/Kreilinger et al. (2013) point out for example that the Eurozone crisis has enhanced the government-opposition cleavage in Finland and thus affected the Finnish consensual political system. The emergence of a "politicization of EU affairs" (Raunio, 2016) within legislatures translates into stronger cleavages and polarisation between actors, the growing salience of EU issues because of their direct influence on national interests and a higher participation rate among parliamentarians in the European decision-making process. The financial crisis challenges consensus-oriented political practices by triggering political contestation on EU affairs in a system normally based on compromises. As Statham and Trenz state it, "the Euro-zone crisis has led to an unprecedented degree of politicization and transformed the context for European integration" (Statham/Trenz, 2012, p.23). Politicisation might thus also have consequences on parliamentary involvement. As Auel and Höing notice, "[s]ince the coming into force of the Lisbon Treaty, national parliaments even have an explicit role within the EU's legislative process as the new guardians of the subsidiarity principle. What we know far less about is how parliaments have accompanied the management of the crisis. Are backbenchers still 'fighting back' or were they marginalized by a highly technocratic, executive-dominated crisis management?" (Auel/Höing, 2015, p. 1184). The TSCG includes the role of national parliaments into the body of the text. Article 13 TSCG bases on Protocol N° 1 on the role of national Parliaments in the European Union of the Lisbon Treaty and establishes a framework within which national parliaments and the European Parliament can decide to organise common meetings on budgetary policies and all issues related to the Treaty. However, to what extent are these new instruments efficient? Do they contribute to the reinforcement of parliamentary participation? How did parliaments react to the crisis measures and their creeping loss of budgetary competences? These questions will be addressed when assessing parliamentary involvement in the context of the economic and financial crisis.

The table below (table 2) sums up the main features of the historical moments taken into account.

**Table 2: Main features of the studied treaties**

	<b>Treaty establishing a Constitution for Europe</b>	<b>Treaty of Lisbon</b>	<b>European Stability Mechanism</b>	<b>Treaty on Stability, Coordination and Governance in the EMU</b>
<b>Context</b>	Definition of EU's institutional framework	Definition of EU's institutional framework	Crisis measure to preserve financial stability	Crisis measure to ensure budgetary discipline
<b>Legal status</b>	European treaty	European treaty	Intergovernmental treaty, International public law	Intergovernmental treaty, International public law
<b>Members</b>	All Member States (rejected by France, Netherlands)	All Member States	Euro-zone members	All Member States (except UK, Czech Republic)
<b>Parliamentary competences</b>	Title III, Art. I-11, I-48, I-42; Title IV, Art. I-46; Title IX, Art. I-58; Chapter IV, Section I, Art. III-258, III-260, III-261, III-273, III-276; Part IV, Art. IV-443, IV-444; Protocol 1 and 2	Art. 12, 48, 69 TUE; Protocol 1 and 2	Art. 30 Predominance ESM Board of Governors	Art. 13 Predominance Heads of State and Government

Source: Own compilation.

## 1.4 Research goals and questions

Our project seeks to explain the evolution of parliamentary involvement in the context of EU and intergovernmental treaty negotiations. We will compare involvement patterns in EU affairs in the Luxembourg Chamber of Deputies, the Austrian National Council and the Finnish Eduskunta. These cases have two similarities: their legislatures are small and their political systems found on a consociational and consensus-oriented decision-making culture characterised by long-lasting governmental coalitions. The main difference between these cases lies in the parliamentary participation rights of each chamber. While we know that there is a difference in parliamentary involvement between our selected cases, we know less about the factors that drove to this difference. Actual parliamentary involvement should be measured by looking at formal capacities as well as parliamentarians' motivations to engage in EU affairs and promote/use formal instruments to scrutinise EU politics. We seek to go beyond prior Europeanisation studies that focused merely on institutional capacities and turn towards the motivational perspective of Europeanisation. We conceive national parliaments as bodies composed of a variety of actors, each of them having specific tasks, positions, strategies, roles and incentives. Parliaments are not unitary actors, hence the need to open the parliamentary "black box" and to explain how actors and structures are interrelated. The evolution of parliamentary involvement with regard to EU politics will be "unpacked" through the lenses of parliamentarians. The involvement of MPs in European affairs implies to take account of their

embeddedness in a specific institutional framework. Each legislature evolves in a particular political environment, surrounded by different veto players. Such veto players could be typically second chambers (in Austria), governments, civil society, European institutions, other national bodies (for example the Council of State in Luxembourg), other national parliaments, interparliamentary cooperation fora, etc.

The main research goal of our thesis is to acquire in-depth knowledge on the studied cases (“thick” case studies) and to explain variation patterns in parliamentary involvement. Based on existing concepts and theories (institutional and motivational Europeanisation, new-institutionalism), we investigate the mechanisms and incentives underpinning parliamentary involvement in EU matters. Starting from a deductive method, we try to apply new-institutionalist approaches to investigate under-researched perspectives. In the end, the thesis’ main objective will be to refine the Europeanisation concept through complementarity between institutional and motivational factors.

In this regard, the following research question will try to assess the above-mentioned cross-case involvement variations: **How does parliamentary involvement in EU affairs vary across small European parliaments in the context of EU and intergovernmental treaty negotiations?** This question raises also several other ones. To what extent do parliamentarians get involved in EU affairs? Do they fully use the formal parliamentary instruments to scrutinise EU politics? Which motivations drive parliamentarians to scrutinise EU affairs, and in particular to follow-up EU and intergovernmental treaty negotiations? Did EU treaties and intergovernmental treaties on the EMU push to a mainstreaming of EU affairs within parliaments? To what extent did the chambers adapt their scrutiny systems to the new legal provisions established by the treaties on the EU level?

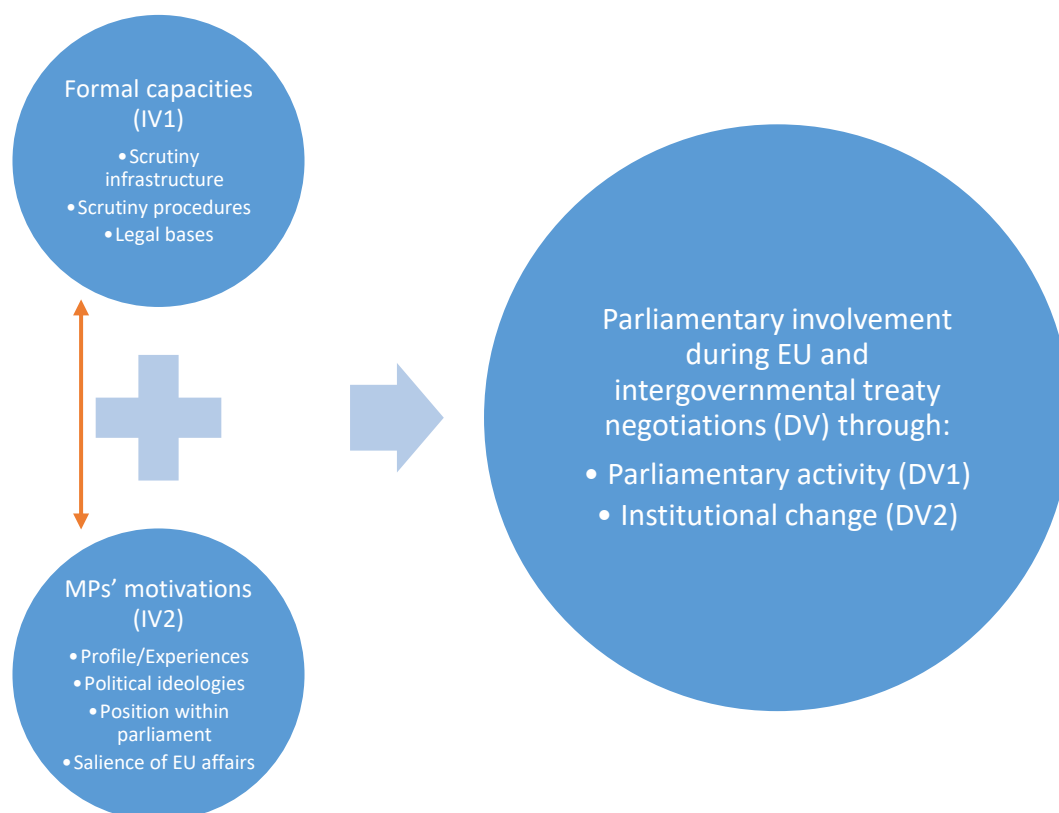
A comparison will help identify the factors encouraging parliamentary involvement during treaty negotiations. The next section outlines the key variables guiding the research, as well as the hypotheses that we seek to test to answer the main research question.

## 1.5 Variables and hypotheses

We selected the cases according to their systemic similarities. However, the “most similar” research design is not entirely appropriate for this thesis. It bases on cases showing high degrees of similarities except for the independent variable. By keeping constant as many intervening variables as possible, the MSSD aims to search for variations in the independent variable on the systemic level. However, keeping intervening variables constant is almost impossible and may lead to the omission of subtle patterns of variations. Indeed, even if our selected cases are similar, they are not identical with regard to the condition variables. The “Most Different Systems Design” (MDSD) focuses on cases characterised by intervening variables that are as different as possible, while the outcome is similar across compared systems (Anckar, 2008). Some scholars combine both MSSD and MDSD in an attempt to account for variations that are more complex across cases. The “Most Similar Different Outcome” (MSDO) procedure starts from cases with a different outcome and tries to explain the difference by

checking possible condition variables that led to the outcome (De Meur et al., In: Rihoux/Grimm, 2006). For the purpose of our thesis, we aim to understand which factors might potentially influence the outcome. We seek to explain the diverging parliamentary involvement despite several institutional similarities between the cases. De Meur et al. dichotomise their outcome and condition variables. The outcome, for instance, can be graded. Scholars have graded parliamentary involvement from weak to strong (see for instance Kiiver, 2006). In the present thesis, parliamentary involvement as the dependent variable (DV) can be separated into two features: actual parliamentary activity in the follow-up of EU and intergovernmental treaty negotiations (DV1) and the degree of institutional change within each legislature in the wake of EU treaties and intergovernmental treaties on the EMU (DV2). The condition variables that we will investigate will also be subdivided into several categories and will help explain and/or call into question variations in the outcome observed in the literature. The condition variables that might explain parliamentary involvement in the context of treaty negotiations are the legislatures' formal capacities (IV1) and parliamentarians' motivations (IV2). These two independent variables can be subdivided. Formal capacities mean parliaments' scrutiny infrastructure, scrutiny procedures and legal bases. MPs' motivations include their profile and experiences, their political ideologies, their position within parliament and the salience of EU affairs. In our understanding, formal capacities are closely interlinked with motivations when it comes to parliamentary involvement. Thus, both variables' influence on the DV cannot be assessed separately.

**Figure 1: Independent and dependent variables**



Considering the variables exposed above, we formulated following hypotheses to investigate parliamentary involvement with regard to EU affairs:

***H1: The higher the ideological polarisation on EU affairs between parties, the higher was parliamentary activity during EU and intergovernmental treaty negotiations.***

The polarisation level between parties may have influenced parliamentary involvement in the context of EU and intergovernmental treaty negotiations. All three cases have consociational systems based on consensus-oriented decision-making. Nonetheless, internal political dynamics may play a role in MPs' involvement. Parliamentarians belong to different political orientations and have different positions on European integration and European treaties. Thus, political ideologies may play a significant role in the degree, frequency and willingness to scrutinise EU affairs (H1.1). Whether a parliamentarian defends a pro-European or a Eurosceptic line, the level of involvement, the motivations underpinning it and the use of parliamentary instruments to control the government may not be identical. Eurosceptic parliamentarians may tend to make more usage of scrutiny instruments to control or contest their government's EU policy and negotiation position in the context of EU treaties and intergovernmental treaties on the EMU. The purpose of using scrutiny instruments may thus be different depending on the political interests that parliamentarians have with regard to EU issues. Pro-European MPs would support European treaties, while Eurosceptic MPs would criticise and reject them.

Whether MPs' are from the opposition or the majority may also play a role in their involvement (H1.2). Opposition MPs may tend to use more often the opportunity given by the context of European treaties to push reforms strengthening parliamentary scrutiny rights or the right for minorities within parliament. On the contrary, majority MPs may tend to support their government's position without mobilising as many parliamentary instruments as opposition MPs.

Finally, political conflict on EU issues may influence MPs' scope and nature of involvement (H3.3). The more the political landscape is polarised on EU and intergovernmental treaties, the more parliamentarians may use these treaties to defend their party's position vis-à-vis their counterparts. It also implies that parties strengthen the requirement for strong party discipline in order to reinforce their credibility. A parliamentary arena with increased dynamics of political contestation may trigger intensive debates on EU issues compared to a parliamentary arena characterised by highly consensual policymaking. MPs would then be motivated to stick to their party's ideological line and respect strict group discipline within parliament to ensure their influence on the decision-making process through political unanimity.

*H1.1: Whether MPs had a pro-European or Eurosceptic opinion on European integration affected their parliamentary activity in EU and intergovernmental treaty negotiations.*

*H1.2: Whether MPs belonged to the majority or the opposition affected their parliamentary activity in EU and intergovernmental treaty negotiations.*

*H1.3: The higher the ideological polarisation between political parties on EU treaties and intergovernmental treaties on the EMU, the more MPs defended their party's position and stuck to strong group discipline within parliament.*

***H2: The higher the salience of EU treaties and intergovernmental treaties on the EMU within parliament, the more likely trends towards the mainstreaming of EU affairs emerged.***

European treaties as potential triggers of increased polarisation on EU affairs, i.e. political conflicts over legislatures' scrutiny powers, may have led to the mainstreaming of EU affairs within parliaments. According to Gattermann et al., mainstreaming can be defined as "the integration of EU affairs scrutiny into the work of the standing committees and a wider circle of MPs of a parliament with a view towards the normalization of the treatment of EU affairs also in terms of procedures" (Gattermann/Högenauer/Huff, 2013, p.5). As exceptional events, EU and intergovernmental treaties may have appeared to be more salient to parliaments, triggering a sudden generalised attention on EU issues among MPs.

Mainstreaming may be caused by an increased awareness about EU politics among parliamentarians. However, even in the scenario of a mainstreaming of EU affairs, only the most "Europeanised" parliamentarians may be willing and able to get fully and durably engaged in these matters (H2.1). Indeed, EU politics may request specific knowledge and represent a lower electoral benefit compared to national issues. "Europeanised" would mean in that case that MPs would have prior experience linked to EU affairs before their mandate, a long-term mandate within their parliament giving them the required political experience, membership in the EAC or in any other specialised committee where they would deal frequently with EU politics, etc.

The diversity of issues addressed by the treaties and growing political tensions within parliaments may have forced parliamentarians without specific interests for EU matters to handle them (H2.2). European treaties cover several institutional and policy aspects that do not concern only European Affairs Committees. Sectoral committee members get involved because some aspects of EU and intergovernmental treaties fall into their field of competences or touch upon strategic interests.

*H2.1: MPs with a "Europeanised" profile tended to be the most involved during EU and intergovernmental treaty negotiations due to their extensive experience in EU affairs.*

*H2.2: The higher the ideological polarisation on EU treaties and intergovernmental treaties on the EMU between parties, the more sectoral committee members became key players of parliamentary activity.*

***H 3: The higher the perceived misfit between treaty provisions on parliamentary participation rights and domestic parliamentary scrutiny systems, the more MPs initiated institutional change.***

The last hypothesis aims to test meso-level trends in each legislature. We assume that European treaties represented extraordinary events that may have triggered parliamentary reforms. We expect European treaties as "external stimuli" to have encouraged a general scrutiny reinforcement of EU affairs within parliaments. The "misfit" (Börzel, 2000) between EU-level provisions and national scrutiny systems may be the origin of change within our three cases.

European treaties affected Member States' legal and institutional framework. The economic crisis and the financial packages in particular affected parliaments' budgetary power (Auel/Höing, 2015). Here, the "misfit" concept of Börzel, i.e. the "incompatibility between European-level processes, policies and institutions, on the one hand, and domestic-level processes, policies and institutions, on the other" (Börzel, 2000, p.1), takes on its full meaning. The more an EU issue in the context of EU and intergovernmental treaties becomes salient within a parliament, the more parliamentary actors may exert pressure to improve their participation rights in response to the institutional changes brought by the treaties. However, we expect institutional change in contexts where parliamentary scrutiny rights are rather weak, such as the Luxembourg Chamber of Deputies. Indeed, we think that strong participation rights might not motivate MPs to trigger reforms within their parliament, because they believe that their scrutiny system is satisfactory. Therefore, strong scrutiny systems will be less exposed to change (H3.1). Just as in the case of parliamentary activity, MPs' motivations to trigger institutional change depends on their parliamentary culture and their socio-demographical characteristics (H3.2). Finally, we assume that institutional change within parliaments may have been incremental through a "layering" process and punctually implemented in the context of each studied treaty (H3.3). "Layering" means that parliaments amended successively their scrutiny procedures and structures to adapt their participation rights to new rules set by EU treaties and intergovernmental treaties on the EMU.

*H3.1: The stronger a parliament's scrutiny system, the less MPs engaged in institutional change.*

*H3.2: The parliamentary culture (conflictual vs consensual) determined whether MPs with "Europeanised" or "specialised" profiles became the "political entrepreneurs of change".*

*H3.3: Institutional change within parliaments happened through "layering" in the wake of the ratification of EU treaties and intergovernmental treaties on the EMU.*

These hypotheses will be tested according to the theoretical approaches outlined in chapter 3. The next chapter exposes the main debates in the Europeanisation literature and their limitations.

## 1.6 Plan of the study

The second chapter outlines the main elements found in the Europeanisation literature on parliaments' involvement in EU affairs. We will see that authors focused mainly on formal capacities and somewhat neglected the motivational aspect in their studies. We try to place our study in this research gap, by highlighting the motivational origins of parliamentary activity and institutional change in our three cases.

The third chapter explains the choice of historical and Sociological Institutionalism as two complementary approaches used to analyse parliamentary involvement during negotiations on EU treaties and intergovernmental treaties on the EMU. We decided to include both



institutional and motivational aspects of parliamentary involvement in our analysis, with an emphasis on the latter as a predominant factor. We argue that the Theory of Endogenous Institutional Change helps to analyse the direction of change and the role played by parliamentary actors. The latter's motivations underpinning parliamentary activity and institutional change can best be studied thanks to the motivational approach. Indeed, we argue that MPs' profiles were constitutive of their motivations and influenced their involvement.

The fourth chapter justifies our research design, the type of data used and our analytical strategy. We chose a historical-comparative design to understand variations between similar cases (in terms of political system and the size of the chambers) with a different outcome (parliamentary strength in EU affairs). We developed indicators to measure MPs' motivations linked to EU affairs, as well as the formal strength of their parliament's scrutiny system. Based on these criteria, we decided to rely on data such as parliamentary documents and interviews to proceed with a Qualitative Content Analysis.

The fifth, sixth and seventh chapters analyse in detail parliamentary involvement during negotiations on EU treaties and intergovernmental treaties on the EMU in each of our three cases. First, we thoroughly test our hypotheses for the Luxembourg Chamber of Deputies, then we proceed with the Austrian National Council and finally with the Finnish Eduskunta.

The eighth chapter presents the main results of our three cases in a comparative manner. We state that the countries' institutional contexts, i.e. their political systems and their position towards European integration, as well as the parliaments' formal capacities, are the main foundation of parliamentary involvement in EU affairs. We proceed with analysing the evolution of parliamentary activity and institutional change within the three chambers, each time explaining the origins of the observed dynamics. On the motivational side, parliamentary activity depends on the parliamentary culture and MPs' socio-demographical features. Institutional change depends on the legal developments brought by the treaties touching upon parliaments' role in the EU, but also on the parliamentary culture, MPs' socio-demographical features and their normative interpretation of their parliament's role in the EU.

## Chapter 2. Literature review

Europeanisation research has given birth to a dense corpus of articles over the last decades. The focus of scholarly attention evolved alongside European integration. The interest in national parliaments' role in the European decision-making process grew especially since the Maastricht Treaty that initiated first steps towards enhanced parliamentary participation in European affairs. Since then, scholars could not agree on the role that should be assigned to parliaments, some arguing in favour of the "de-parliamentarisation" thesis, while others defending the "re-parliamentarisation" argument. Until recently, independently from the thesis supported, scholars focused mainly on the evolution of formal parliamentary capacities through large-N quantitative and comparative studies. In recent years, however, the attention shifted towards more subtle changes within parliaments, highlighting the role played by individual parliamentary actors, their incentives and their actual practices. Conclusions became more mitigated and less focused on formal capacities. The past decade has seen an increase in studies on the evolution of internal parliamentary structures, as well as a growing inclusion of motivational components in the analysis of parliamentary involvement in EU affairs. Nonetheless, as Auel (2009) explains, individual legislative behaviour remains largely understudied. Most attention has been given to the US Congress. Legislative studies in EU affairs rarely focus on parliamentarians' behaviour in a comparative perspective.

In this chapter, we will explain how the Europeanisation approach contributed to the understanding of the nature and evolution of parliamentary involvement in EU affairs. We will then outline the most relevant approaches that turn out to be useful for the present thesis.

### 2.1 Europeanisation from a bottom-up perspective

The concept of Europeanisation has been defined numerous times and in numerous ways in the literature (Buller/Gamble, 2002; Risse/Cowles/Caporaso, 2001; Ladrech, 2010 and 1994; Olsen, 2002). Until recently, scholarly attention has mainly centred on top-down dynamics (Duina/Oliver, 2005; Ladrech, 2010; Maurer/Wessels, 2001; Norton, 1996; Olsen, 2002). The top-down perspective relies on the notion of "impact" and presents parliaments as reactive actors adapting to pressures emanating from European integration. This viewpoint fails to explain how individuals produce institutional change. Some scholars try to depart from the dominating top-down perspective in legislative studies by highlighting the interrelation existing between European and national levels, adopting the so-called "bottom-up-down approach" (Vink/Graziano, In: Graziano/Vink, 2008, p.10) or circular perspective (Dyson/Goetz, 2003, p.20). However, Radaelli's definition is the closest to the notion we use in the present thesis. The scholar's definition includes both institutional and constructivist perspectives. Thus, Europeanisation is defined as "[p]rocesses of (a) construction (b) diffusion and (c) institutionalization of formal and informal rules, procedures, policy paradigms, styles, 'ways of doing things' and shared beliefs and norms which are first defined and consolidated in the making of EU decisions and then incorporated in the logic of domestic discourse, identities,

political structures and public policies” (Radaelli, 2000, p.4). In his definition, Radaelli emphasises the incorporation in the national level of European formal and informal institutions. Radaelli points out that domestic actors make use of Europe on the national level, even on a voluntary basis without explicit pressure from “Brussels” (Radaelli, 2004).

In contrast to the top-down perspective, the bottom-up approach starts and finishes at the domestic actors’ level. It stresses the importance of domestic actors’ role in shaping EU matters. Our thesis focuses on parliaments as domestic actors embedded in a broader European and national setting. Like Radaelli, we start from the premise that parliaments try to shape actively European politics. European affairs are thus becoming increasingly part of parliamentary work and culture. In parallel, events on the European level might also influence parliamentary involvement. The bottom-up perspective is the most appropriate to investigate MPs’ involvement during EU and intergovernmental treaty negotiations and the way they pushed to parliamentary reforms. Parliamentarians from the Luxembourg Chamber of Deputies, the Austrian National Council and the Finnish Eduskunta might have used Europe in different ways and with different objectives to trigger institutional change within their respective parliaments. Depending on institutional resources and individual motivations, usages of Europe among parliamentarians can vary from one chamber to the other.

The bottom-up perspective permits to explain the effective use of parliamentary instruments during EU and intergovernmental treaty negotiations and thus the actual parliamentary involvement based both on institutional and motivational indicators. Indeed, we believe that the evolution of parliamentary involvement is mainly due to the action of parliamentarians, who push to an improvement of their formal scrutiny rights. Institutional change within legislatures is thus seen as an endogenous and actor-driven process. European treaties are seen here as triggers of increased parliamentary involvement and of a potential “mainstreaming” of European affairs, the latter being “[...] increasingly integrated into the work of parliaments in all policy sectors” (Gattermann/Högenauer/Huff, 2015, p.2) and their treatment normalised in parliamentary routines (Gattermann/Högenauer/Huff, 2013, p.5). EU treaties and intergovernmental treaties on the EMU comprise a wide range of topics covering several policy fields. MPs’ from sectoral committees might thus be increasingly engaged in EU affairs in exceptional times of European integration.

## 2.2 Europeanisation approach in Legislative Studies: institutional and motivational perspectives

The main research focus within the Europeanisation literature has long been the evolution and comparison of parliaments’ formal capacities regarding EU affairs. Although our research project moves away from this restricted perspective, we base the country choice for the comparison on contributions from this literature. The present section outlines the main branches in the literature on the role of national parliaments. While attention has been paid predominantly on the evolution and adaptation of parliamentary scrutiny infrastructures and procedures, the trend changed over the last decade. Studies are now aiming to open the

parliamentary black box through the study of parliamentarians' motivations and their impact on parliamentary activity.

Studies on the Europeanisation process of national parliaments emerged in the middle of the 1990s (Buller/Gamble, 2002; Ladrech, 1994; Olsen, 2002; Radaelli, 2000), after the entry into force of the Maastricht Treaty. While Europeanisation is a fuzzy and multifaceted term that is not exclusively used in Legislative Studies (see Olsen, 2002), most scholars agree that it is an incremental adaptive process that can lead either to change or to continuity on the national level (Exadaktylos/Radaelli, 2009; Ladrech, 1994; Olsen, 2002). Literature based on the Europeanisation concept seeks to explain the evolution of parliamentary involvement in EU affairs. We have identified three main research perspectives while reviewing the literature on the Europeanisation of national legislatures (table 3). The first perspective focuses exclusively on the evolution of parliaments' institutional capacities. The second perspective relies on a sociological approach by concentrating on parliamentary actors' motivations in EU affairs, mostly within a rational choice approach. Recently, a new research strand emerged combining both institutional and motivational perspectives of Europeanisation (thick border).

**Table 3: Main research strands in the Europeanisation literature**

Research strands	“Institutional Europeanisation”	Motivational approach to Europeanisation	Combination of institutional and motivational Europeanisation
<b>Research foci</b>	<ul style="list-style-type: none"> <li>- Overall evolution of parliaments' formal competences in EU affairs: “de- and re-parliamentarisation” thesis</li> <li>- Internal structural adaptation</li> <li>- Evolution of NPs' participation rights within a given timeframe (Lisbon Treaty, Eurozone crisis)</li> </ul>	<ul style="list-style-type: none"> <li>- Parliamentary actors' role orientations and motivation</li> <li>- Socialization processes in European institutions</li> </ul>	<ul style="list-style-type: none"> <li>- MPs' or parliamentary staff's effective involvement in EU affairs</li> </ul>
<b>Methods/Theories/Research design</b>	<ul style="list-style-type: none"> <li>- Qualitative/Quantitative cross-national comparative empirical studies</li> <li>- Large-N</li> <li>- Dominance of top-down perspective</li> <li>- Rational-choice institutionalism/principal-agent model</li> </ul>	<ul style="list-style-type: none"> <li>- Qualitative empirical thick case-studies</li> <li>- Small-N</li> <li>- Bottom-up perspective</li> <li>- Rational-choice institutionalism, role theory, cognitive and sociological approaches</li> </ul>	<ul style="list-style-type: none"> <li>- Qualitative empirical thick case-studies</li> <li>- Small-N</li> <li>- Comparative perspective</li> <li>- New-institutionalism</li> </ul>
<b>References</b>	Auel 2007, Auel/Höing 2015, Benz 2004, Bergman 1997, Buzogany/Stuchlik 2011, Christiansen/Högenauer/Neuhold 2012, Gattermann 2013, Kaczynski 2011, Kiiver 2006, Maurer/Wessels 2001, Norton 1996, O'Brennan/Raunio 2009, Strøm 1998, Winzen 2012	Beauvallet/Michon 2012, Georgakakis 2010, Pegan 2013, Saalfeld/Müller 1997, Wessels/ Katz 1999, Winzen 2011	Auel, 2006, Auel/Christiansen 2015, Auel/Rozenberg/Tacea 2015, De Ruiter 2013, Gattermann/Hefftler 2015, Högenauer/Neuhold 2015, Karlas 2012, Kropp 2010, Navarro/ Brouard 2014, Schneider 2014, Sprungk 2010, Strelkov 2015, Wonka/Rittberger, 2014

Source: Own compilation.

For the purpose of the present thesis, we believe that recent developments in the Europeanisation literature focusing on the interlink between formal capacities and parliamentary actors' motivations helps best explain effective parliamentary involvement in EU affairs. The next two sections will outline the two first research strands. We will then explain how they complement each other.

### *2.2.1 "Institutional Europeanisation": the evolution of formal parliamentary capacities*

The first strand in Europeanisation research appeared in the middle of the 1990s and groups together literature on the institutional adaptation of national parliaments to the European integration, the so-called "institutional Europeanisation"<sup>35</sup>. To date, few empirical studies have focused on in-depth analyses of effective parliamentary involvement, both formal and informal. Small-N research designs are still lacking. Internal parliamentary structures and activities are still largely under researched. Instead, the review of the Europeanisation literature brought into light the dominance of large-N empirical quantitative and qualitative studies, mostly in the form of cross-national and comparative research designs. Scholars from this first identified branch either tend to focus on the overarching evolution of formal parliamentary competences or on reforms of internal parliamentary structures dedicated to EU matters<sup>36</sup>. In this regard, large-N studies dealing with formal parliamentary capacities are mainly relying on the top-down perspective of Europeanisation.

On the theoretical side, scholars paying attention to Europeanisation dynamics base their work either on the principal-agent model or on rational-choice institutionalism. Both theoretical approaches aim to explain power distribution among actors, but from different perspectives. While the principal-agent theory relies on a delegation model and often serves to explain the redistribution of competences among domestic actors and thus their ability to influence EU policymaking, rational-choice institutionalism tries to explain how parliamentary structures evolve and constrain actors' behaviour. By focusing exclusively on formal scrutiny powers, both theories underline the variations in parliamentary control across legislatures, but fail to explain how national parliaments actually use these capacities (Sprungk, 2010).

Most large-N studies reduce parliaments to unitary actors in order to facilitate comparisons. Based on institutional indicators, several authors established rankings of parliaments, classifying them according to their institutional strength with regard to EU affairs<sup>37</sup>. However, these rankings rely on subjective criteria proper to each author and are thus not homogeneous. Bergman, for instance, concentrates on the analysis of European Affairs Committees (EAC). He classifies the EACs of fifteen legislatures from EU Member States according to their influence within their respective parliament (Bergman, 1997). Raunio, on the

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<sup>35</sup> See Auel, In: Holzhaecker/Albaeck, 2007

<sup>36</sup> Auel 2007, Auel/Höing 2015, Benz 2005, Bergman 1997, Buzogany/Stuchlik 2011, Christiansen/Högenauer/Neuhold 2012; Gattermann 2013, Harfst/Schnapp 2003, Kaczynski 2011, Karlas 2011 and 2012, Knutelska 2011, Miller/Ware 1996, Norton 1996, Raunio 2005, O'Brennan/Raunio, 2007; Sprungk, 2010; Winzen, 2012 and 2013

<sup>37</sup> See for example Karlas, 2011; Kiiver, 2006; Raunio, 2005.

other hand, measures parliamentary control over EU affairs by establishing indicators such as the involvement of specialised committees in the scrutiny of EU policies, the access to information and the ability of parliaments to mandate ministers (Raunio, 2005). Using a fuzzy-set approach, the author identifies the factors influencing the degree of parliamentary scrutiny over governments' EU policies. Similarly, Kiiver compares scrutiny procedures and methods among national parliaments by distinguishing between ex-ante and ex-post scrutiny procedures and between centralised and decentralised committee systems (Kiiver, 2006). Based on these criteria, he then differentiates parliaments according to their scrutiny methods. "Mandate-givers" (Kiiver, 2006, p.54), among them the Austrian National Council and the Finnish Eduskunta, brief their governments before Council meetings and can adopt binding mandates. "Systematic-scrutinisers" sift all EU documents, while "informal influencers" only organise debates on EU affairs when considered necessary. Kiiver identifies several types of parliaments according to their scrutiny power: the Austrian National Council and the Finnish Eduskunta are ranked as strong or moderate parliaments, whereas the Luxembourg Chamber of Deputies counts among the weak scrutinisers (Kiiver, 2006, p.62).

Complementing the above-mentioned (partially outdated) rankings, the more recent study led by Auel/Rozenberg/Tacea aims to include not only indicators on institutional capacities, but also on parliamentary activity in EU affairs. The latter component is largely missing in previous rankings. Relying on available OPAL scores on institutional strength and parliamentary activity<sup>38</sup>, they demonstrate the existence of a correlation between institutional strength and parliamentary activity in EU affairs: the stronger the institutional rights of a chamber, the more likely it will use its rights to influence the decision making process (Auel/Rozenberg/Tacea, In: Hefftlar/Neuhold/Rozenberg/Smith, 2015). They conclude that parliaments are "fighting back" through an improvement of their formal capacities and an increased use of parliamentary instruments by MPs. However, evolutions in parliamentary involvement are not homogeneous across Member States. Similarly to the ranking of Maurer (2001), the authors rank the Finnish Eduskunta among the strongest parliaments, while the Austrian National Council has moderate and the Luxembourg Chamber of Deputies weak institutional capacities (Auel/Rozenberg/Tacea, In: Hefftlar/Neuhold/Rozenberg/Smith, 2015).

These rankings might be useful for us, because they highlight the commonly accepted conclusions that the three legislatures investigated in our thesis are characterised by different levels of involvement in EU affairs despite similar domestic settings. Indicators used to measure parliamentary scrutiny power in EU affairs are very useful for the present thesis. Access to information, the type of scrutiny procedures and systems, the mandating rights, the establishment of specialised committees, etc are indicators that can be used and applied to the context of EU and intergovernmental treaty negotiations. However, even if they appear to be useful as background information, they fail to assess effective parliamentary involvement in EU affairs, especially in challenging times. Therefore, it is necessary to complement the assessment of formal capacities with motivational factors retrieved from other analyses.

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<sup>38</sup> See Observatory of Parliaments after the Lisbon Treaty, available online: <http://www.opal-europe.org/index.php> [last accessed on 24.05.2019]. The OPAL scores on institutional strength include access to information, parliamentary scrutiny infrastructures, oversight instruments. The OPAL activity scores include among others the number of mandates, committee meetings and debates on EU issues.

Scholars pay attention primarily to the evolution of formal capacities outside the framework of a specific EU context, even though some recent studies analyse the impact of the Treaty of Lisbon or the economic crisis on legislatures' formal capacities and try to some extent to assess effective parliamentary involvement (Cooper, 2012 and 2015; Auel/Höing, 2015). The latter cannot be fully explained with sole institutional criteria. The next section deals therefore with another research strand focusing mainly on individual actors' motivations rather than on the development of parliamentary structures.

### *2.2.2 The motivational approach to Europeanisation*

The second research strand that we identified in Europeanisation literature deals with motivational aspects of parliamentary involvement in EU affairs. While older literature has been dealing primarily with the evolution of parliaments' formal capacities, recent studies have been concentrating on parliamentarians' behaviour and motivations (see for example Wessels, 2005). Motivations of parliamentarians have been assessed through rational and sociological institutionalist lenses. De Ruiter (2013), for example, explains MPs' incentives to scrutinise EU affairs with rationalist arguments. According to the author, parliamentarians weigh costs and benefits of their involvement in EU issues. Re-election strategies drive their behaviour and pushes them to focus mainly on domestic issues because of the higher costs that the scrutiny of EU affairs represents. The author concludes that due to the complexity and low salience of EU dossiers as well as the lack of resources, parliamentarians are less inclined to engage in EU affairs compared to national issues. Even though this argument might be valid, the study does not mention other non-strategic reasons for scrutinising or not EU affairs. Indeed, motivations are not always determined by rational considerations, but also by cognitive factors.

Other authors investigate the other dimension of motivations through sociological lenses. Mainly relying on Searing's role theory<sup>39</sup>, they investigate parliamentarians' role orientations and incentives with regard to EU affairs, either on national or European level (Beauvallet/Michon, 2012; Hooghe, 2012; Michon, 2014; Rozenberg, 2012; Winzen, 2011). Even though the present thesis does not rely on role theory, it is worth noticing that the cognitive component of behaviour represents an interesting point for the study of parliamentary involvement in EU affairs. American literature on legislative staffing can be seen as the pioneer in this field, with studies focusing on the profile, role and influence capacities of legislative actors (Bibby, 1966; DeGregorio, 1988; Manley, 1968; Kampelman, 1954; Moncrief, 1999; Patterson, 1970; Salisbury, 1981; Squire, 1988; Hammond, 1984; Zwier, 1979). Role theory has contributed to European legislative studies by refocusing attention back to individual actors' profiles and motivations, whether parliamentarians or parliamentary staff. As Rozenberg and Hefftlar point out, "[s]tudies of the [parliamentary] procedures related to the EU could indeed gain from more systematically considering the motivations of MPs for engaging in EU affairs" (Rozenberg/Hefftlar, In: Hefftlar/Neuhold/Rozenberg/Smith, 2015, p.27). Methods used in this second research strand are mainly qualitative-oriented and rely on

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<sup>39</sup> See Searing, *Westminster's world: understanding political roles*, 1994.



small-N case studies. The most emblematic study that underlined the need to close the research gap on parliamentarians' motivations is Rozenberg's analysis on the so-called "emotional Europeanisation of national parliaments"<sup>40</sup>. The author argues that Europeanisation research should include parliamentarians' "motivations for engaging into European activities" (Rozenberg, 2012, p.3) in order to assess effective parliamentary involvement. MPs' interests and specialisation level with regard to EU matters determines to a large degree their willingness to use parliamentary tools to influence EU decision-making. In his article, Rozenberg focuses on the role played by chairs of EU committees in the House of Commons and the French National Assembly. The author argues that individual parliamentarians, through their motivations and their role within parliaments, contribute to incremental institutional change. Rather than relying on rational considerations, MPs' behaviour tend to be driven by emotional elements (Rozenberg, 2012, p. 29). Awareness about EU issues constitutes an important feature of MPs' motivations. The more they pay attention to and support European integration, the more they become sensitive to European matters and tend to deal with them more often (Rozenberg, In: Costa/Kerrouche/Magnette/Blondel, 2004).

European treaties, in this regard, may have triggered more attention among parliamentarians. The Europeanisation of the Austrian, Finnish and Luxembourgish legislatures not only depends on the existence and evolution of formal parliamentary instruments to control EU issues, but also on their MPs' incentives to use these instruments (Navarro/Brouard, 2014, p.106). This argument is especially valid for our cases. From an institutional point of view and basing on existing rankings of parliaments, we already know that the Luxembourg Chamber of Deputies counts among the weakest legislatures and the Finnish Eduskunta among the strongest in terms of formal parliamentary involvement in EU affairs. However, would the inclusion in those rankings of parliamentarians' incentives and their use of informal channels modify the results? More specifically, if we consider parliamentarians' motivations to get involved in EU and intergovernmental treaty negotiations, would the Luxembourgish Chamber of Deputies still be the weakest parliament among the three, considering that the number of Austrian and Finnish Eurosceptic parliamentarians have grown since the last legislative elections? Parliamentary involvement might thus also be determined by parliamentarians' beliefs and opinion on EU issues and the role of their parliament within the national and European arena. Depending on the political party's ideological stance or position within parliament, MPs might react differently. According to Rozenberg, parliamentarians' membership to specific structures within parliament determines to what extent they tend to become "European specialists" (Rozenberg, 2012). Whether an MP defends pro-European or Eurosceptic positions within parliament also constitutes factors influencing parliamentary involvement. For example, the Luxembourg Chamber of Deputies is mainly composed of pro-EU parties also represented in government<sup>41</sup>. Their lever for political action might thus be more important than for opposition parties (ADR, Déi Lénk). Eurosceptic parties such as the ADR in Luxembourg, the True Finns in Finland or the FPÖ in Austria might either react passively to EU affairs or on the contrary

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<sup>40</sup> See Rozenberg O., 'The Emotional Europeanisation of National Parliaments: Roles Played by EU Committee Chairs at the Commons and at the French National Assembly.', *OPAL*, OPAL Online Paper Series, 2012

<sup>41</sup> The current government elected in December 2013 is composed of the DP, LSAP and Déi Gréng, representing 32 out of 60 MPs in the Chamber of Deputies.



invest time and resources in EU related activities in order to counteract pro-EU decisions. Parliamentarians' incentives might even more drift away from each other's position during treaty negotiations. While Eurosceptic parties may refuse any step towards "more Europe", pro-EU parties would show less reluctance. Therefore, MPs' experiences, interests and incentives regarding EU affairs represent valuable indicators for measuring effective parliamentary involvement during challenging events, i.e. European treaty negotiations. However, as explained in the previous section, Europeanisation and subsequently parliamentary involvement in the framework of EU-treaty negotiations cannot be assessed only through motivational criteria. Parliamentarians are embedded in specific political, historical and institutional contexts that need to be taken into account. The next section outlines the last strand in Europeanisation literature that emerged within recent years and that tries to combine institutional and motivational factors to explain parliamentary involvement in EU affairs.

### *2.2.3 Parliamentary involvement in light of institutional and motivational factors*

Scholarly attention on national parliaments has changed in the last decade. Research on parliaments' involvement in the European decision-making process concluded that formal capacities have been strengthened over the course of the European integration. European treaties, such as the Treaty of Maastricht, Amsterdam or more recently the Lisbon Treaty, have contributed to these changes. However, less attention has been given to the way parliamentarians use formal and informal means to interact with other actors, obtain information on EU topics, and in sum influence EU decision-making. The last identified strand in Europeanisation research appeared recently and tries to combine several approaches to assess as precisely as possible effective parliamentary involvement in EU affairs. Authors tend to complement the predominant rational institutionalist dimension of parliamentary involvement with other new-institutionalist strands in order to assess more thoroughly the interplay between political behaviour and institutions (see for example Auel/Christiansen, 2015). Europeanisation literature tends more and more to analyse the role of individual parliamentary actors, either through historical institutionalist lenses (Dimitrakopoulos, 2001), sociological institutionalist lenses (Jacquot/Woll, 2003), a mixture of different institutionalist branches (Bergman, 1997) or even through cognitive theory (Kropp, 2010). Incentives, be they rational or cognitive, occupy more and more the centre stage. The focus has shifted from formal parliamentary capacities to informal parliamentary practices and the effective use of parliamentary tools by parliamentarians and parliamentary civil servants. Research became more actor-centred and tried to understand the link between individual parliamentary actors' motivations and actual parliamentary activity, the former influencing the latter. Scholars realise that parliamentary involvement in EU affairs depends also largely on the way parliamentary tools are used by MPs. Europeanisation of national parliaments might happen without any pressure from the European level, i.e. on a voluntary basis depending of domestic actors' willingness to get engaged in EU affairs. These recent developments in Europeanisation literature is valuable for the present thesis, because it seeks to complete research gaps on MPs' actual practices in EU affairs by opening the parliamentary black box. The complementarity between theoretical approaches and

research objects aim to portray parliamentary involvement in EU affairs as close as possible to the empirical reality. It permits to give account of the multiple explanatory factors of variations in parliamentary involvement across Member States.

The Austrian parliament is the most emblematic case in the literature illustrating the need to complement approaches. The parliament is characterised by a significant discrepancy between institutional and actual capacities in EU affairs (Pollak/Slominski, 2009). While its formal powers have been strengthened in the course of European integration and would thus place it as a strong parliament among the available quantitative rankings, the reality is different. Firstly, it has been demonstrated that Austrian MPs scarcely use the formal tools at their disposal. Secondly, even if they would use these, it still does not mean that MPs are effectively influencing European policy. Parliamentarians' motivations are thus an important explanatory factor of actual involvement in EU affairs as well as institutional change within parliaments.

Katrin Auel counts among the first few scholars that suggested a new approach to Europeanisation, arguing that institutional and motivational aspects cannot be strictly separated in the analysis of parliamentary involvement in EU affairs (Auel, 2006; Auel, In: Holzhaecker/Albaeck, 2007). She points out that "[f]ocusing only on the 'visible' use of formal parliamentary scrutiny rights and instruments therefore leads us to overlook more informal means of influence and control and to underestimate the involvement of [...] [parliamentarians] in EU affairs" (Auel, 2006, p.260). According to Auel, parliamentary involvement in EU affairs cannot be measured merely by relying on quantitative indicators such as parliamentary scrutiny, but should also include indicators measuring how parliaments make use of their scrutiny system (Auel/Christiansen, 2015). The article of Auel and Christiansen combines elements from previous analyses focused on the evolution of formal parliamentary capacities and Rozenberg's actor-centred motivational approach. The most attractive aspect of this article is the fact that the authors insist on the complementarity between institutional and motivational aspects of Europeanisation as two key explanatory factors of parliamentary involvement. In their article, they investigate how national parliaments make use of their institutional rights in the post-Lisbon era. Their effort to link the three new-institutionalist branches together to explain MPs' behaviour is an interesting element. Parliamentarians are seen as rational actors embedded in particular parliamentary traditions characterised by certain norms and values. Their behaviour is defined by rational factors, such as electoral benefits, the salience of EU-specific issues and the political game, but also by sociological factors, such as the political and parliamentary culture, personal attitudes towards European integration and parliamentarians' profiles and position within parliament.

The "logic of appropriateness" (see March/Olsen, 1998) might also guide parliamentarians' actions. The authors cite parliamentary culture as an example and explain how it might affect the use of scrutiny instruments. Whether parliaments are dominated by conflictual or consensual cultures influences the way parliamentarians engage in the scrutiny of their government's EU policy. The more the political system is conflictual, the more parliaments would tend to scrutinise their government's EU policy. On the contrary, a consensual decision-making system would diminish parliaments' participation rights because parliamentarians would not use the scrutiny instruments to the same extent as in the previous scenario. In the end, as Auel and Christiansen point out, a scrutiny system can only be efficient

if MPs decide to make use of it. According to them, “[...]what matters is not only what powers a legislature has in terms of scrutinizing the national executive or the EU decision-making process, but whether MPs are willing and able to make effective use of these” (Auel/Christiansen, 2015, p.275). The measurement of parliamentary involvement from this perspective is trickier, because it does not merely rely on quantitative indicators, but also on less obvious and more blurred qualitative criteria.

This new approach in the Europeanisation literature became more popular over the years and other authors took up the complementary perspective. Empirical studies on parliamentarians’ actual behaviour in EU affairs bloomed. Awareness about the need to study parliamentary involvement through MPs’ motivations translates into Navarro and Brouard’s (2014) affirmation:

“[A]ttempts to strengthen the role of national parliaments in the EU will succeed only if they are accompanied by a change in the attitudes and behaviour of MPs. The discussion on the Europeanisation of national parliaments has tended to focus on the organisational adaptation of domestic legislatures. [...]the capacity of national parliaments to cope with the consequences of European integration depends not only on the creation of institutional procedures but also on the willingness and ability of their members to get involved in EU affairs (Navarro/Brouard, 2014, pp. 93-94).”

Navarro and Brouard deal with MPs’ issue attention as an element of Europeanisation. Based on a top-down approach, they analyse to what extent Europeanisation produced political conflicts and increased the salience of particular issues. They analyse the proportion of parliamentary questions on EU issues in the French National Assembly. Depending on the salience of topics and the political positioning of MPs towards European integration, parliamentarians pay more or less attention to EU matters. They conclude that in the French National Assembly, questions are mainly asked for electoral purposes and attention is thus less significant for EU matters. They also find that the amount of question is similar between opposition and majority MPs. But more than the results, it is the research strategy and the objective of the authors that are interesting here. They acknowledge that parliamentarians’ motivations, more than formal capacities, play a significant role in the scrutiny process of governments’ EU politics. More recently, an empirical study conducted by Gava et al. (Gava/Sciarini/Varone, 2017) investigated the behavioural dimension of Europeanisation in the Swiss parliament. They focus on the role and positions of political parties as contributors of the Europeanisation of parliamentary agendas. Their actor-centred approach permits to analyse how parliamentary instruments are being used by MPs and for which purpose. Drawing on the rational choice approach, they seek to understand how MPs mobilise EU matters to pursue strategic goals. They conclude that MPs’ attention to EU politics is driven by both policy-seeking, i.e. topic-related issues, as well as domestic re-election goals.

If we apply the above-mentioned reasoning to the present thesis, it is possible to argue that reasons for engaging in EU affairs might be either purely political and rational, corresponding to re-election prospects for example, or a result of personal experiences and interests. The question is then: what drove MPs to follow EU and intergovernmental treaty negotiations? Institutional factors alone cannot explain this aspect. Parliamentarians from the

Luxembourg Chamber of Deputies, the Austrian National Council and the Finnish Eduskunta evolve in political systems based on similar characteristics. However, their formal rights to participate in EU affairs differ and might affect parliamentarians' motivation to follow treaty negotiations. For this reason, organisational factors are not sufficient to assess actual parliamentary strength in EU-related activities. The focus has to shift from purely organisational factors to actor-centred qualitative indicators. For example, the political game and the interaction between parliament and government in each country has to be taken into account to assess its influence on parliamentarians' practices and motivations.

Austria, Luxembourg and Finland rely on coalition governments and consensual policy-making. Two effects of this institutional setting on parliamentary involvement can be identified: on the one hand, majority MPs have more opportunities and resources to invest time in EU-related matters than MPs from the opposition; on the other hand, the proximity of the former with the ruling coalition hinders them from counteracting their government's EU policies and discourages them from using parliamentary tools threatening governmental actions. In Luxembourg, the overall pro-European culture and the quasi absence of opposition gives a significant leverage to the government. In Austria, political polarisation increased over the years, giving opposition parties such as FPÖ or the Greens more weight in parliament. EU affairs are thus not only determined by formal tools, but also for example by the existing political constellation and party ideologies. For pro-European parties such as the CSV in Luxembourg or the ÖVP in Austria, EU and intergovernmental treaty negotiations are crucial events that encourage the establishment of a Federal European Union. For opposition parties, the stakes are completely different and oriented towards the preservation of national sovereignty. The political culture determines to what extent formal capacities are used and changed. These are some aspects illustrating the importance of combining the analysis of formal parliamentary capacities with a motivational approach.

These scholars neither take parliaments as unitary actors, nor ignore their institutional context. Their main interest lies in explaining the effective use of parliamentary instruments by drawing on empirical examples staying as close as possible to the real situation. Attention has shifted from broad quantitative studies to the production of deepened knowledge on parliamentary involvement in EU affairs. Just as these authors, we seek to take account of parliamentarians' diversified institutional environment, their interactions with parliamentary and non-parliamentary actors as well as their incentives for engaging (or not) in EU affairs to explain parliamentary involvement patterns during treaty negotiations. Formal institutional capacities provide national parliaments with instruments ensuring their parliamentary involvement in EU affairs, but institutional opportunities are not always used and "translated into actual activity" (Auel/Höing, 2015). Research is still insufficient on the way MPs use institutional opportunities and constraints, both at the European and national levels.

To sum up, Europeanisation research has to move beyond the mere focus on formal capacities by bringing the micro-level back in. Therefore, we seek to assess parliaments' Europeanisation through the link between their institutional capacities and MPs' political motivation.

## 2.3 Conclusions

This chapter reviewed the literature on the participation rights of national parliaments with regard to European affairs. Parliaments have undeniably been the object of an increased attention since the 1990s. Drawing on the Europeanisation concept, most scholars were focusing until recently on the evolution of formal parliamentary capacities, noticing an incremental development that did not systematically reflect the reality of parliamentary involvement. Indeed, parliamentary strength in EU affairs remains circumscribed to the existence of formal instruments, most rankings using quantitative data to illustrate the trends. Since the 2010s, some scholars redirected their research towards measuring the effective involvement of parliaments in EU affairs by incorporating parliamentarians' motivations in their analysis. Empirical research basing on this new research strand is slowly growing and the present thesis aims to contribute to it.

## Chapter 3. Theoretical Fundament: Sociological and Historical-institutionalism

After having outlined the main discussions in the literature on the Europeanisation of national parliaments, this chapter will explain the theoretical approaches that will be used to assess the evolution of parliamentary involvement in the light of atypical moments of European integration. Chapter 2 presented the different strands in Europeanisation literature. We highlighted in particular the interesting contributions of the recent strand seeking complementarity both from a theoretical and analytical side. Authors try to combine theoretical approaches in order to draw the most complete picture of actual parliamentary involvement in EU affairs. By doing so, they pay attention to the close relationship between parliamentarians and their institutional framework. Participation in EU affairs is increasingly assessed through the role of MPs within parliaments and how their motivations influence the way they use scrutiny instruments.

The comparative nature of the present thesis integrates both evolutionary and motivational dimensions. Institutional change within each legislature will be assessed through temporal lenses, while the reasons and incentives underpinning these changes will be assessed through sociological lenses. The combination of historical and Sociological Institutionalism permits to integrate micro and meso-level perspectives in the analysis and provide a broader vision of parliamentary involvement in EU affairs. The present chapter first describes shortly the general premises of new institutionalism. It then motivates the choice of both new-institutionalist branches for the present thesis, explaining the added-value of seeking complementarity between different theoretical approaches.

### 3.1 New institutionalism: origins and branches

Research on parliamentary involvement in EU politics founds primarily on new-institutionalist theories, the rational-choice approach being the most used among the strands (see for example Auel, 2009; De Ruiter, 2013; Sprungk, 2010; Strelkov, 2015). The fundamental assumption of new institutionalism is that agents and structures are closely intertwined and influence each other. Agents are embedded in a specific institutional framework that impacts their actions, but are at the same time the shapers of those institutions that guide their actions. Several factors caused the emergence of new institutionalism: the absence of a concrete theoretical framework and the exaggerated emphasis on structures in the old institutionalist approach, the narrow focus on agency of the behavioural approach, and finally the growing awareness among organisation theorists that organisations' institutional environment should be taken into account in the analysis of organisational dynamics.

Old institutionalism and behaviouralism are both seen as the predecessors of new-institutionalism. The old institutionalist school dominated political science until the middle of the twentieth century (Peters, 2005). As a rather descriptive and less theory-driven approach,

old institutionalism emphasised the importance of structures and assumed that they mainly determined agents' behaviour. Studies on political institutions drawing on old institutionalism classified them according to predefined typologies or institutional ideal-types. Descriptions of institutions relied on abstract preconceptions, i.e. authors using the old institutionalist perspective would describe the functioning of an institution according to pre-established formal criteria and values (Stone, 1992). In reaction to the formal legal framework of old institutionalism, behaviouralists criticised the purely structuralist stance which neglected the role played by individuals. Behavioural theory emerged in the 1950s and relied on the social and cultural underpinnings of political life, assuming that individuals should be at the heart of explanation in political science. Distinguishing themselves from old institutionalists, behaviouralists underlined the need for theory development and relied mainly on quantitative and statistical research designs. They argued that formal rules and structures do not suffice to explain actors' actual behaviour or policy outcomes, hence the need to shift the focus of research towards attitudes, political behaviour and the informal distribution of power (Steinmo/Thelen, 1998). Political behaviour was thus at the centre of their analysis (Thelen/Steinmo/Longstreth, 1992). Behaviouralism bases on methodological individualism and tends to neglect actors' institutional environment in the explanation of political outcomes. Their main analytical focus lies on individuals' choices, attitudes and interactions in the process of decision-making. Behaviouralism centres its attention on the psychological traits of politicians, investigating their attitudes, beliefs and personality. We do not deny that these elements are of importance to understand parliamentary involvement, but we need to complement the behavioural approach with institutionalist elements that draw attention on contextual features and formal structures. These theoretical evolutions led to new reflections on the explanation of political behaviour.

New-institutionalism first emerged in 1984 when March and Olsen started to develop a new conception of political behaviour in contrast to old institutionalist and behaviouralist premises (Peters, 2005, p.16). Departing from a purely descriptive and agent oriented approach, the authors normative institutionalist perspective emphasises the importance of institutions as shapers of political behaviour. Structures and agents are conceived as mutually interdependent. While rational choice approaches dominated old institutionalist studies, March and Olsen's concept of "normative institutionalism" defends the idea that political behaviour within a given institutional framework depends also on a socially constructed context and agents' motivations. Institutions are conceived as a loose framework within which actors conform not only to rules, but also to common norms and values (March/Olsen, 1998). Political institutions can take several forms and endorse autonomous roles. They are not only formal rules constraining agents' actions, but encompass also informal structures (Aspinwall/Schneider, 2000; Keohane, 1988, p.383). An institution can thus either be a formal entity (i.e. an organisation) such as a parliament, or "collections of standard operating procedures and structures that define and defend values, norms, interests, identities, and beliefs" (March/Olsen, 1989, p.17). Different logics may underpin agents' political behaviour. The authors differentiate between the "logic of appropriateness", where actors behave according to a set of rules and procedures established by an institution, and the "logic of consequentialism", where agents' actions are driven by the calculation of their consequences. In their understanding, institutions are largely normative and

“defin[e] appropriate behaviour for specific groups of actors in specific situations” (March/Olsen, 1998, p.948).

March and Olsen’s new-institutionalist approach lays the foundation for a new understanding of the role of political institutions. They posit that political institutions provide actors with a normative framework composed of rules. Political behaviour is thus not only influenced by cost and benefit calculations, but also shaped by rules, identities and beliefs constructed and reinterpreted within political institutions.

New institutionalism developed into a more complex theory over time. Three strands emerged, each of them conceptualising institutions and their impact on political behaviour in different ways: “rational choice institutionalism”, “Historical Institutionalism” and “Sociological Institutionalism”. The rational choice perspective conceives institutions as formal rules merely determining agents’ action options and the costs and benefits related to the latter (Checkel, 1999; Peters, 2005). The rationalist argument is still predominant in Europeanisation research. The main research focus of rational choice institutionalists in Legislative studies is the power distribution among actors, either between organisations at the meso-level by using the principal-agent model (Auel, 2007 and 2009; Harfst/Schnapp, 2003; Sprungk, 2010) or at the micro-level between individual political leaders (Auel, 2009; Strelkov, 2015; Strøm, 1997). Within the Europeanisation research strand, several authors have analysed the scrutiny power of national parliaments by using the principal-agent framework (Auel, 2007; Harfst/Schnapp, 2003; Holzacker, 2002; Sprungk, 2010). The “calculus approach” of rational choice institutionalism conceives parliaments as purely formal institutions providing MPs with information, resources and sanction mechanisms relevant for their actions. While interactions between actors also play an important role in the rationalist approach, they are mainly conceived in a balance of power perspective where actors are competing for information and resources to influence political outcomes. The balance of power argument in legislative studies translates into the analysis of parliament-government relationship and in particular the ability of the former to control the latter. Sprungk (2010) argues for example that agency loss for parliaments is higher in EU affairs than in domestic matters, because of information asymmetries between parliaments and governments. Interactions between government and opposition parties within parliament are the main research object of these analyses, with the aim to explain parliamentary scrutiny power (Holzacker, 2002).

Rational choice institutionalism exogenises actors’ preferences and postulates that they remain unchanged during the process of strategy choice (Jørgensen/Pollack/Rosamond, 2007). The assumption of scholars basing on the “calculus approach” is that parliamentarians’ incentives to get involved in European affairs would depend on a calculation of costs and benefits to scrutinise EU affairs. Driven by electoral and national career goals, MPs would tend to focus on domestic issues because re-election chances and their influence on decision-making would be higher than for EU politics (De Ruiter, 2013). Auel (2009) combines for example role theory and the principal-agent model to explain parliamentary behaviour in EU affairs, in particular how parliamentarians use their oversight functions to scrutinise their government’s EU policy. The author conceives behaviour as strategies used by MPs to participate in the



decision-making process through the pursuit of preferences and their adaptation to institutional opportunities and constraints. These strategies are driven by MPs' roles as "agents of their voters or parties, but also principals of the government [...]" (Auel, 2009, p.6). Auel argues that MPs aim to reduce agency loss towards their government. However, strategies to control governmental EU policies differ from one parliament to the other and depends on the availability of formal capacities and MPs' preferences to get active in these matters.

Even though rational choice has been used extensively in Europeanisation literature, it remains too restrictive for the purpose of our thesis. Firstly, the branch focuses on actors at the expense of their institutional context. Secondly, the benefit-maximising aspect of political behaviour does not take account of actors' "bounded rationality" (Hermann, In: Monroe, 2001) and the role of changing preferences and ideas. Even though EU affairs may not constitute an electoral incentive, some parliamentarians spend time scrutinising these matters for other reasons (Auel/Rozenberg/Tacea, 2015).

Scholars increasingly combine several strands of new-institutionalism to analyse the involvement of national parliaments in EU affairs (Bergman, 1997; Maurer/Wessels, 2001). The following sections outline the main features of the two institutionalist branches on which the present thesis relies, i.e historical and Sociological Institutionalism. We will then discuss the reasons for seeking complementarity between these two approaches.

### 3.2 Parliamentary involvement in a Historical Institutional perspective: explaining institutional change

The first aspects that we aim to explain in the present thesis are evolutionary trends in institutional structures. In order to explain the process of institutional change within each legislature, we will rely on Historical Institutionalism. This branch appeared in the 1980s and is considered as the "first version of new institutionalism" (Peters, 2005, p.72). Historical Institutionalism tries to understand specific political outcomes by basing on thick description and temporal processes. As a middle-ground theory between rational choice and Sociological Institutionalism, Historical Institutionalism conceives institutions and political behaviour in the light of arguments present in both branches, mixing "elements of rationalistic and constructivist explanations" (Immergut, In: Wimmer/Kössler, 2006). Historical Institutionalism defines institutions as "the formal or informal procedures, routines, norms and conventions embedded in the organizational structure of the polity [...]" (Hall/Taylor, 1996, p.938). Institutions are both formal and informal. While rational choice institutionalism assumes that institutions are means orienting actors' strategies to attain specific goals (Geddes, 2010, p. 177), Historical Institutionalism assumes that the link between institutions and agents is more complex and interdependent. Historical Institutionalism does not reject the rational postulate, but adds a cultural dimension by emphasising the role of agents' changing preferences in the process of institutional change. Focusing primarily on developments on the meso-level, Historical Institutionalism has been used in Legislative studies to analyse the adaptation of parliaments' formal capacities to the European integration process (Benz, 2004; Dimitrakopoulos, 2001).

### *3.2.1 Parliamentary involvement in the light of temporal factors: the theory of endogenous institutional change*

The temporal dimension, which is absent from Rational and Sociological Institutionalism, is a crucial component of Historical Institutionalism. Europeanisation is by definition an evolutionary process and can only be assessed through historical lenses. The chosen timeframe for the present thesis encompasses several significant treaties that might have triggered institutional change within the parliamentary chambers of Austria, Luxembourg and Finland. The failed Treaty establishing a Constitution for Europe and the Treaty of Lisbon, in particular, represented big steps towards a strengthened parliamentary involvement and triggered attention in all Member States. In times of economic and financial crisis, the European Stability Mechanism (ESM) and the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union (TSCG) brought renewed attention to parliamentary participation rights in EU affairs. Parliamentary involvement in EU politics is not static and needs to be contextualised in order to understand and explain institutional and behavioural evolutions. Steinmo and Thelen point out that “[...]institutional change is important not only because it alters the constraints in which actors make strategic choices but ultimately because it reshapes the very goals and ideas that animate political action” (Steinmo/Thelen, 1998, p.27).

Therefore, the temporal context of EU and intergovernmental treaties is a significant factor that can only be incorporated in the thesis through the historical institutionalist approach. Time matters in politics (Pierson, 2004). Institutions are not static but change over time. Specific contexts might trigger different outcomes and as Hall states it, “similar causal factors may have more impact in some periods than in others” (Hall, In: Fioretos/Falleti/Sheingate, 2016, p.38). In a broad sense, Historical Institutionalism focuses on “how temporal processes and events influence the origin and transformation of institutions that govern political and economic relations” (Fioretos et al., In: Fioretos/Falleti/Sheingate, 2016, p.3). The focus on institutional change in Historical Institutionalism can be separated into two research strands: the first wave of authors explains change in a broader sense by differentiating historical periods and their specificities, while the second wave goes deeper into the explanation of change, its causes and consequences. Assumptions about institutional change differ between the first and second wave of studies. Authors from the first wave assume that institutional evolution is mainly caused by exogenous shocks called “critical junctures” (Capoccia/Kelemen, 2007; Collier/Collier, 1991), i.e “moments of openness for radical institutional change, in which a relatively broad range of options are available and can plausibly be adopted” (Fioretos/Falleti/Sheingate, 2016, p.98), leading institutions to “alternative paths” (Coman/Thelen, In: Fioretos/Falleti/Sheingate, 2016; Hall/Taylor, 1996). In the end, historical institutionalists from the first wave conclude that this model of “punctuated equilibrium” (Krasner, 1984, quoted in Peters, 2005) causes mainly path-dependence, understood here as an irreversible trajectory either limiting or causing institutional change (Mahoney/Mohamedali/Nguyen, In: Fioretos/Falleti/Sheingate, 2016; Peters, 2005; Pierson, 2004). Research on the evolution of parliamentary involvement in EU affairs draws mostly on this first strand of Historical Institutionalism.

Benz (2004) uses historical and rational arguments and asserts that parliamentary democracy on the European level depends not only on institutional structures, but also on actors' strategies. He takes three empirical examples to illustrate his arguments: parliaments of UK, Denmark and Germany. In response to the process of European integration and the shift of power from parliaments to executives, parliaments had to undergo structural reforms to improve their information rights and their scrutiny power. According to the author, these reforms "have changed the opportunity structures and incentives for actors" (Benz, 2004, p.885). Due to this shift in the strategical goals of parliamentary actors, "a certain group of members of parliament is strongly motivated to take part in European multi-level governance" (Benz, 2004, p.885) while others are not. The strategic behaviour of actors translates into the competition between opposition and majority parties. Alongside the strategic role of actors, Benz also argues that the adaptation of parliaments to European integration correspond to path-dependent changes of parliamentary rules and organisation. Existing institutions are seen here as constraints on MPs' involvement in parliament as well as on institutional change. The analysis of MPs' political strategies and interactions with the government when handling EU affairs leads to the conclusion that these strategies encourage path-dependent developments within parliaments. According to the author, parliaments have changed their structures to adapt to European integration, but internal political competition hinders an efficient use of the new instruments. Parliaments are thus falling back into prior practices that may confirm path-dependency.

Dimitrakopoulos uses Historical Institutionalism to compare the adaptation of three parliaments (France, UK, Greece) to the European integration process. The author argues that change within these legislatures happened incrementally and followed pre-existing institutional settings, which confirms path-dependent trends. Path-dependency in these cases translated into the use of existing procedures to scrutinise EU politics. Departing from the notion of "critical junctures", Dimitrakopoulos recognises that change can be incremental, even though the direction of change remains path-dependent.

First versions of this branch of Historical Institutionalism tended to rely on a deterministic vision that did not reflect the reality of institutional changes. In fact, European treaties as exogenous triggers cannot be considered as the only causes of institutional change in national parliaments, neither can they be seen as "critical junctures". The "punctuated equilibrium" model reduces the causes of institutional change to exogenous factors and ignores the role of actors in the process.

The second wave of studies in Historical Institutionalism departs from the "punctuated equilibrium" model and serves as background to the present thesis. Authors from this wave developed a new conception of institutional change, rejecting the deterministic and narrowly scoped perspective of early historical institutionalists. They understand institutional change as "slow-moving processes of gradual change rather than singular historical break points" (Fioretos et al., In: Fioretos/Falleti/Sheingate, 2016). The theory of endogenous institutional change relies on the premise that change occurs incrementally and takes five different forms: displacement, layering, drift, conversion and exhaustion (Capoccia, 2016; Fioretos et al, In: Fioretos/Falleti/Sheingate, 2016; Streeck/Thelen, 2005). While the authors apply these different

directions of change to the macro-level (organisational fields), we will use them to explain dynamics on the meso-level (parliaments).

Displacement: institutional change through displacement may be originating from some incoherence in the institutional framework translating into missing or conflicting rules. Incoherence leads to changing interests among actors embedded within the institutional framework, who consider new institutional arrangements as better serving their interests. Thus, there is a shift in salience of institutional arrangements, which may lead to the replacement of traditional arrangements with new institutions. Existing rules are removed and replaced by new ones, because actors' defect from current institutions and "cultivat[e] of a new logic of action" (Streeck/Thelen, 2005, p.57).

Layering: institutional change through layering is characterised by the establishment of new rules onto pre-existing ones through amendments or revisions. Political actors introduce amendments in order to refine the existing institutional framework. The consequence of such reforms is a differential growth between old and new institutions, the new ones slowly winning more support than the pre-existing ones.

Drift: institutional change through drift means that rules are not adapted to their changing environment in order to change their effects. Rules deliberately remain unchanged despite contextual evolutions. Political actors strategically choose to avoid re-setting institutions, which leads to a transformation in the enactment of institutions. Institutional change thus happens through "deliberate neglect" from actors (Streeck/Thelen, 2005, p.57).

Conversion: institutional change through conversion refers to institutions' redirection to serve different objectives. Redirection is caused by changes in the institutional framework and appearing gaps between existing rules and their practical implementation. Political actors exploit environmental changes and institutional gaps to adapt the goals of pre-existing institutions. Old institutions are converted to serve new purposes.

Exhaustion: institutional change through exhaustion implies the breakdown of existing institutions. The increasing incoherence and complexity of existing institutions, mostly resulting from measures taken by political actors, as well as the limited life span of institutions, may lead to their breakdown.

These five modes help characterising the transformative processes undergone by parliaments in response to European integration. The theory of endogenous institutional change attributes a significant weight to agents' preferences and incentives as explanatory factors of institutional change.

### *3.2.2 The role of agency in institutional change*

Endogenous institutional change implies in the first place that agency plays a significant role in the process. Scholars from the second wave of Historical Institutionalism support the idea that “agents [are situated] within a context that shapes the plausible strategies available to them – but which they may also be able to change” (Conran/Thelen, In: Fioretos/Falleti/Sheingate, 2016, p.66). Mobilisation of actors is a crucial factor of institutional change. Change can occur because agents initiated it. The focus is less on the influence of institutions over political interactions than on the way the latter change the former (Capoccia, 2016). This understanding of institutional change requires considering as explanatory factors agents’ interests and incentives embedded in specific institutional and contextual environments (Steinmo, In: Fioretos/Falleti/Sheingate, 2016, p.119). Actors with changing incentives, interests and preferences shape and modify institutions. Contrary to rational institutionalism, which assumes that “relevant actors have a fixed set of preferences or tastes [...], behave entirely instrumentally so as to maximize the attainment of these preferences, and do so in a highly strategic manner that presumes extensive calculation” (Hall/Taylor, 1996, p. 944), the theory of endogenous institutional change in Historical Institutionalism adds a cultural perspective to political behaviour. Agents’ preferences and interests are not fixed and stable. They might not always correspond to strategic calculations because actors’ have a bounded rationality.

Just as sociological institutionalists, historical institutionalists endogenise preferences and admit that the latter change over time. Historical Institutionalism does not treat preferences as being exogenous, but rather as a product of their institutional context and the complex interaction between agents and structures (Koelble, 1995, p.232). Therefore, according to the theory of endogenous institutional change, the transformative process of an institution is mainly caused by bottom-up dynamics, pushed by “political contestation over the form, functions and salience of specific institutions” (Capoccia, 2016, p.1101). “[C]ontestation from below” (Capoccia, 2016, p.1099) arises from agents’ perception of institutions as “arenas of conflict” (Capoccia, 2016, p.1099). The latter are characterised by competition between actors setting institutional rules and actors that have to comply with these rules, despite their dissatisfaction with the institutional status quo. Thus, gaps emerge within institutions between existing formal rules and their practical implementation. These “gaps between what a rule says and how it is applied allows incremental processes of rule defection and reinterpretation” (Capoccia, 2016, p.1101), and may become the main objects of contestation among actors forming coalitions. It ensues competition between actors in the process of rule reinterpretation in order to adapt the institutional framework to the contestants’ needs and interests. This rule reinterpretation originates from actors’ changing “material interests”, but also from the transformation of actors’ ideational framework (Capoccia, 2016, p.1102).

According to Streeck and Thelen, contestation over political institutions is not punctual and rather the “object of ongoing skirmishing as actors try to achieve advantage by interpreting or redirecting institutions in pursuit of their goals, or by subverting or circumventing rules that

clash with their interests” (Streeck/Thelen, in Streeck/Thelen, 2005, p.27). During the competition process over the reinterpretation of institutions, actors with similar preferences and priorities may build coalitions in order to impose the rules they designed upon other actors. Coalitions and political contestation might be initiated by political entrepreneurs, i.e. individual actors taking the lead in initiating change or putting reforms on the agenda. Several factors might help political entrepreneurs to initiate change through rule reinterpretation: the inconsistency and incompleteness of rules (Capoccia, 2007, p. 1101, and March/Olsen, 1989), the evolving external context or contestation within an institution over existing rules.

### *3.2.3 Conclusion*

The theory of endogenous institutional change as such has barely been applied to measure empirically parliamentary involvement in EU affairs, even though some authors refer to some aspects of this theory in their arguments on evolutionary patterns and the role of agents in institutional change (see for example Saalfeld, 2003; Rozenberg, 2012). In closing, the theory of endogenous institutional change posits that the transformative nature of institutional change is caused by political contestation originating from actors’ changing interests and goals and aiming at reinterpreting political institutions. However, even though this theory goes beyond rational choice institutionalism by postulating that actors’ evolving interests and preferences play a role in institutional change, we notice that motivations, their origins and their position in this transformative process are not being incorporated enough in Historical Institutionalism. Motivations are all the more important as the present thesis focuses on bottom-up dynamics of institutional change. The next section will therefore outline the sociological institutionalist branch, which will serve as complementary approach to Historical Institutionalism to explain underpinning reasons of parliamentary involvement as observed during EU and intergovernmental treaty negotiations.

## *3.3 Parliamentary involvement in a sociological institutionalist perspective: explaining the motivations underpinning institutional change and parliamentary activity*

While Historical Institutionalism permits to explain institutional change and the relationship between interests and institutions, Sociological Institutionalism (more precisely the motivational approach) seeks to explain the origins of beliefs, how they are being shaped by the institutional framework and reversely, how institutional change and parliamentary activity originates from agents’ evolving interpretations of their institutional framework. The impact of parliamentarians’ motivations on their institutional context and conversely represents the second step of our research. In order to assess parliamentary involvement within parliaments, agents’ roles and incentives to act in a specific way should be taken into account. Focusing on the micro-level, the sociological institutionalist approach does not conceive institutions as mere constraints on agents’ behaviour, but suggests that the former are constitutive of the latter. Sociological Institutionalism is embedded in organisation theory and emerged in the 1970s.

The interest of this branch of new-institutionalism lies in explaining the emergence of specific institutions within organisations. The establishment of institutions does not automatically correspond to rational considerations, but may result from “cultural-specific practices” (Hall/Taylor, 1996, p.946). While historical institutionalists conceive institutions as being composed of formal and informal rules only, sociological institutionalists underline the cognitive elements of institutions. In their understanding, agents’ actions are defined by an institutional framework understood as a set of formal rules, procedures, norms, cultures, but also “symbol systems, cognitive scripts, and moral templates” (Hall/Taylor, 1996, p.947) giving them the keys to interpret behaviour. Institutions contribute to the formation of actors’ identities, ideas and beliefs, which in turn influence political behaviour and institutions themselves. Political behaviour is not only conceived as being strategically determined by formal institutions, but also by norms, cultures and values inherent to those institutions. Political behaviour would then depend on both rational calculations and ideas (Hall/Taylor, 1996). Thus, actors’ ideas and motivations play a significant role in the way an institution evolves. In Legislative Studies, the sociological approach is commonly used to explain parliamentarians’ roles and incentives, be it in European institutions (Beauvallet/Michon, 2012; Georgakakis, 2010) or in national parliaments (Rozenberg, 2012; Wessels, 2005). The “motivational approach” developed by Rozenberg and based on Searing’s role theory bases on the postulate that agents’ behaviour is not merely originating from rationalist considerations, but first and foremost from emotional factors consisting of desires, beliefs and incentives (Rozenberg, 2012 and 2018).

Like historical-institutionalism, but to a greater extent, Sociological Institutionalism adds a “cultural” or “constructivist” perspective to rational institutionalist arguments in the sense that it does not reject the postulate of instrumentally-oriented actors, but assumes that they also “choose strategies [...] from culturally-specific repertoires” (Hall/Taylor, 1996, p.951). Hermann points out that “[h]ow people define what is in their self-interest, what is salient to them, what they feel compelled to act on can differ depending on the lenses through which they view the world” (Hermann, In: Monroe, 2001, p.48). Actors might take decisions intuitively, without explicit calculations (Lau, In: Sears et al., 2003). Individuals embedded in a specific organisational environment are “socialized into particular institutional roles [and] internalize the norms associated with these roles” (Hall/Taylor, 1996, p.948). Institutions thus affect actors’ behaviour by providing them with a frame of reference within which they form their own preferences and identity according to their institutional environment (Checkel, 1999). Agents’ social background and personal experience play a role in the way the former interpret their position within the institution, the construction of their interests, how they behave and how they influence and shape future evolutions of their institutional framework by reinterpreting rules and changing routines (Navarro, 2009). Agents are not reacting passively to their environment, but shape it actively through their own personal beliefs and perceptions (Hermann, In: Monroe, 2001; George, In: Falkowski/George, 1979).

Unlike Historical Institutionalism, Sociological Institutionalism states that parliamentary activity may originate from non-strategical considerations, i.e. normative beliefs forged through personal experiences or socialisation processes. Moreover, the theory does not focus on explanations of institutional change. However, the notion of change is still present in



the sense that evolving ideas and motivations might incite agents to reinterpret institutions. Agents have different visions on the enactment of institutions, which may lead to gaps between the existence of institutions and their actual use. Differences in normative commitment to the existing institutional framework causes agents' dissatisfaction about existing rules. The level of dissatisfaction with the institutional status quo thus determines the degree of institutional change. The latter is conceived as evolutionary, i.e. incremental. This conception of institutional change is quite close to the theory of endogenous institutional change outlined in the previous section. In both approaches, agency plays a crucial role in the reinterpretation of institutions. Whereas agents' discrepant interests and political contestation are the core explanatory factors in the theory of endogenous institutional change, the mismatch between agents' normative conception of an institution's purpose is the explanatory factor of change in Sociological Institutionalism.

### 3.4 Own contribution: complementarity between Historical and Sociological Institutionalism

Both branches of new-institutionalism outlined in the above sections define institutions and conceive their influence on political behaviour in different ways. Assessing the evolution of parliamentary involvement implies to take account both of institutional features, agents' motivations driven by interests and ideas, and the interplay between these two levels. Historical Institutionalism already combines the "calculus" and "cultural" approaches to explain institutional change, but misses to explain how behaviour is influenced by institutions. Sociological Institutionalism explains how institutions affect the normative framework of political behaviour, but misses to incorporate agents' rational interests and competition over power in the process of institutional change and parliamentary activity (Hall/Taylor, 1996). Thus, several authors suggest combining new-institutionalist branches to cover all explanatory dimensions of political behaviour and the impact of institutions on behaviour (Aspinwall/Schneider, 2000; Hall/Taylor, 1996). Each strand completes the other, and their interchange may allow obtaining accurate explanation on the link between MPs' motivations and institutional change. As Hall and Taylor put it, "an actor's behaviour may be influenced both by strategic calculation [...] and by reference to a familiar set of moral or cognitive templates, each of which may depend on the configuration of existing institutions" (Hall/Taylor, 1996, p.955). Involvement may thus be determined both by rules established in a given institutional framework and agents' beliefs that were moulded within this framework. The present thesis seeks to combine two institutionalist approaches to explain parliamentary involvement in EU affairs. The following table (table 4) sums up the main differences and similarities between Historical and Sociological Institutionalism.

**Table 4: Main features of Historical Institutionalism and Sociological Institutionalism**

Features	Historical Institutionalism (Theory of Endogenous Institutional Change)	Sociological Institutionalism (Motivational approach)
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<b>Research objective</b>	Analysis of institutional change dynamics and the role of agency in institutional transformation	Analysis of the influence of political institutions on actors' behaviour and reversely
<b>Research focus</b>	Meso- and micro levels	Micro-level
<b>Definition of institutions</b>	Informal and formal rules, conventions, routines	Set of formal rules, procedures, cultures, symbols, cognitive scripts
<b>Establishment of institutions</b>	Bottom-up dynamics, political contestation through conflicting interests and competition over power, coalition formation, reinterpretation of rules	Mismatching normative conception of institutions, normative reinterpretation
<b>Development of institutions</b>	Transformative, gradual, endogenous	Evolutionary
<b>Agents' preferences</b>	Endogenous, "Bounded rationality", evolving interests and preferences	Endogenous, "Bounded rationality", motivations
<b>Relationship between institutions and actions</b>	Calculus and cultural approaches	Cultural approach, cognitive dimension
Sources: Aspinwall/Schneider, 2000, p.7; Capoccia, 2007; Hall/Taylor, 1996; Streeck/Thelen, 2005		

Both facets of new-institutionalism have different conceptions of agents' influence on institutions and how the latter evolve. If we take each feature of both theories summed up in the table above and apply them to the present thesis, we can identify which elements from both theoretical approaches complement best each other. First, the main research objectives differ considerably if we focus on the temporal dimension. The Theory of Endogenous Institutional Change in Historical Institutionalism aims to explain dynamics of institutional change, while Sociological Institutionalism focuses on the interdependence between institutions and agents' behaviour. Both theories see change as being an evolutionary and gradual process, but contrary to the Theory of Endogenous Institutional Change, which focuses on explaining the dynamics of change, Sociological Institutionalism considers change as a potential consequence emanating from the interplay between institutions and agents' behaviour.

Even though the Theory of Endogenous Institutional Change acknowledges the role of individuals in the transformation and evolution of institutions, Sociological Institutionalism will be more helpful in explaining the reasons underlying the action of individuals. In this regard, the latter theory will complement the first by digging deeper into the reasons of actions and understanding how institutions influence or are influenced by these actions. This will permit to explain more thoroughly the direction of institutional change and the reasons underpinning parliamentary activity. The theory of institutional change is focused on institutional developments on the meso-level, hence the need to rely also on Sociological Institutionalism in order to understand how actions on the micro-level affected the overall evolution of parliamentary involvement in EU affairs. Historical Institutionalism alone would miss to explain the causes of evolutions, but would rather settle for the explanation of the direction in which an institution changed. Concerning the definition of an institution, the use of both theories will allow to broaden the understanding of parliamentarians' institutional framework. Indeed, institutions are both informal and formal rules, procedures (translated into parliamentary practices, legal bases, etc), but also cultures (political cultures, such as consensual versus conflictual parliamentary culture) and cognitive scripts. Sociological Institutionalism permits here to widen the definition of institutions by adding the normative and cognitive dimension to the definition given by Historical Institutionalism mainly based on rules.

By enlarging the understanding of the nature of institutions, we take into account easily measurable elements of parliamentarians' institutional framework (parliamentary structures, rules) and normative elements that are more difficult to measure, but exert a significant influence on the way parliamentarians' behave and influence (or not) change in their institutional framework. This change originates from similar causes according to both theories, but diverges in the nature of these causes. Both theories admit that the evolution of institutions is caused by contestation and the reinterpretation of institutions by agents. However, for the Theory of Endogenous Institutional Change, change is due to contestation triggered by diverging interests between agents on the nature and functions of institutions, which leads to the reinterpretation of rules. Sociological Institutionalism, on the other hand, argues that institutional change is caused by the widening gap between the effective role of an institution and agents' normative conception of this institution, which leads to the normative reinterpretation of the institution's role. While political competition and interests are at the heart of change in the Theory of Endogenous Institutional Change, Sociological Institutionalism focuses on normative explanations.

Both arguments are interesting for the present thesis, because institutional change can be caused by strategic as well as normative considerations on parliamentary involvement in EU affairs. The main difference between both theories regarding agents' preferences and their impact on institutional change lies in the definition and nature of these preferences. Historical and Sociological Institutionalism acknowledge that preferences are endogenous, which means that they change over time depending on the context in which the agent evolves. These same agents might not always be purely rational, but might be guided by interests and ideas (Historical Institutionalism) and motivations originating from personal backgrounds (Sociological Institutionalism). The added value of the latter theory and its conception of agents' preferences is that it tries to explain the origins of these preferences, the factors influencing them and how they impact on behaviour. Historical Institutionalism misses to dig deeper into the reasons why individuals act in a specific way. It focuses on explaining the influence of agents' preferences on change and the direction in which change happens. In the present thesis, motivations are essential elements underpinning parliamentarians' involvement in EU affairs and the way they influenced parliamentary reforms in exceptional times. Therefore, the use of Sociological Institutionalism will complement the theoretical basis of the thesis by explaining the reasons that drove MP's behaviour in the context of parliamentary activity and institutional change. Hereunder, we will explain how we use both theories to fulfil the thesis' research objectives.

Historical Institutionalism: We will use this theoretical strand to explain dynamics of institutional change and parliamentary activity within the three studied legislatures. The focus will thus be on meso-level developments taking the form of evolving formal capacities pushed by parliamentary actors with conflicting interests. Indeed, European treaties may have represented opportunities or constraints for legislative work in the sense that these exceptional events may have challenged pre-existing routines and structures, changed the salience level of European affairs among parliamentarians and fuelled higher political contestation among parties. Following the postulate of the Theory of Endogenous Institutional Change, we believe that change within legislatures in response to the follow up of EU and intergovernmental treaty

negotiations might have happened gradually and be caused by internal initiatives from parliamentarians with conflicting interests. Hence the importance of taking agency into account. Institutional change can be understood as any reform of legislatures' legal framework or formal parliamentary capacities to improve their participation rights in EU affairs. Amendments to the internal Rules of Procedures, the establishment of new parliamentary structures, constitutional revisions or the adoption of national information and cooperation laws in EU affairs might be some examples of dynamics of institutional change. The scope of institutional change depends on the impact that treaty negotiations may have had on parliamentarians' interests and routines. MPs may have pushed institutional reforms in Luxembourg, Austria and Finland in response to the changing European context. Moreover, apart from the temporal aspect, the thesis also founds on the historical institutionalist postulate that both rational and ideational motivations may underpin MPs' involvement. Several factors may be at the origin of political contestation within parliament over the handling of EU affairs: the political constellation, the rights of opposition parties within parliament and the access to resources, MP's goals in the performance of their mandate. For instance, majority MPs may be less inclined to contradict their government's EU policy and even less question the institutional status quo. Moreover, opposition parties may be more inclined to contest their government's EU policy and call for reforms to strengthen parliamentary rights in the follow-up of EU and intergovernmental treaty negotiations.

Sociological Institutionalism: We can only explain meso-level dynamics if we also take into account micro-level features. The present thesis aims to explain parliamentary involvement through the analysis of formal capacities and MPs' motivations. The latter are twofold: motivations to engage in European affairs and motivations to push to institutional reforms in order to strengthen their parliament's participation rights in EU affairs. Sociological Institutionalism permits to complete the historical institutionalist argument according to which conflicting interests and political contestation are at the origin of institutional change. We go even further by assuming that parliamentarians' sociological background, experiences, ideological stance on EU politics and the role of their parliament also represent factors influencing their involvement in the context of treaty negotiations. Cognitive elements and sociological features inherent to each MP are important elements that will help explaining the reasons underpinning institutional change. Moreover, Sociological Institutionalism will help explain potential phenomena of mainstreaming of EU affairs within each legislature, i.e. if we observe a wider awareness and interest for EU matters independently from strategical considerations. For example, the theory will help explaining how ideological positions or MPs' degree of specialisation in EU politics may determine their involvement level in the follow-up of EU and intergovernmental treaty negotiations. The following table (table 5) sums up the hypotheses and sub-hypotheses orienting our research on the evolution of parliamentary involvement, as well as the theoretical approaches used to test these hypotheses.

**Table 5: Hypotheses and related theoretical approaches**

Hypotheses	Theoretical approach
<b>H1: The higher the ideological polarisation on EU affairs between parties, the higher was parliamentary activity in EU and intergovernmental treaty negotiations.</b>	Historical Institutionalism (Theory of Endogenous Institutional Change)
	Sociological Institutionalism (Motivational approach)

<i>H1.1: Whether MPs had pro-European or Eurosceptic positions on European integration affected parliamentary activity in EU and intergovernmental treaty negotiations.</i>	Sociological Institutionalism (Motivational approach)
<i>H1.2: Whether MPs belonged to the majority or the opposition affected parliamentary activity in EU and intergovernmental treaty negotiations.</i>	Historical Institutionalism (Theory of Endogenous Institutional Change)
<i>H1.3: The higher the ideological polarisation between political parties on EU treaties and intergovernmental treaties on the EMU, the more MPs defended their party's position and stuck to strong group discipline within parliament.</i>	Historical Institutionalism (Theory of Endogenous Institutional Change)
<b>H2: The higher the salience of EU treaties and intergovernmental treaties on the EMU within parliament, the more likely trends towards the mainstreaming of EU affairs emerged.</b>	Sociological Institutionalism (Motivational approach)
<i>H2.1: MPs with a "Europeanised" profile tended to be the most involved during EU and intergovernmental treaty negotiations due to their extensive experience in EU affairs.</i>	Historical Institutionalism (Theory of Endogenous Institutional Change)
<i>H2.2: The higher the ideological polarisation on EU treaties and intergovernmental treaties on the EMU, the more sectoral committee members with "technician" profiles became key players of parliamentary activity.</i>	Sociological Institutionalism (Motivational approach) Historical Institutionalism (Theory of Endogenous Institutional Change)
<b>H 3: The higher the perceived gap between EU and intergovernmental treaties' provisions on parliamentary participation rights and domestic parliamentary scrutiny systems, the more MPs took initiatives towards institutional change.</b>	Historical Institutionalism (Theory of Endogenous Institutional Change)
<i>H3.1 : The stronger a parliament's scrutiny system, the less MPs engaged in institutional change.</i>	Historical Institutionalism (Theory of Endogenous Institutional Change)
<i>H3.2: The parliamentary culture (conflictual vs consensual) determined whether MPs with "Europeanised" or "specialised" profiles became the "political entrepreneurs of change".</i>	Historical Institutionalism (Theory of Endogenous Institutional Change) Sociological Institutionalism (Motivational approach)
<i>H3.3: Institutional change within parliaments happened through "layering" in the wake of the ratification of EU treaties and intergovernmental treaties on the EMU.</i>	Historical Institutionalism (Theory of Endogenous Institutional Change)

We will test each hypothesis in the empirical chapters with the help of interviews and parliamentary documents.

**H1:** The aim of the first hypothesis is to explain the influence of political positions and ideologies on parliamentary involvement during EU and intergovernmental treaty negotiations. Parliamentary involvement will be measured through quantitative criteria (frequency of an MPs' appearance in parliamentary documents related to EU and intergovernmental treaties, the frequency of use of individual parliamentary instruments such as motions or parliamentary questions, individual initiatives to strengthen parliamentary participation rights) and qualitative criteria (MPs' opinion on their engagement in EU affairs). Political polarisation is understood here as the divergence in MPs' ideological positioning of on EU affairs affecting the culture of interaction between parties within parliament. Both theoretical approaches will be used to test the sub-hypotheses. The main hypothesis also bases on both theories, because it implies to check for dynamic temporal trends. While the Theory of Endogenous Institutional Change emphasises

the strategical considerations of MPs regarding EU affairs, Sociological Institutionalism will help to explain the origins of political ideologies and their influence on parliamentarians' behaviour in the context of treaty negotiations. Therefore, we link MPs' engagement during treaty negotiations to their political framework and incentives. Interviews are the main data used to test this hypothesis and sub-hypotheses, because the information needed is of qualitative nature.

**H1.1:** The motivational approach will help to explain the origin and nature of parliamentarians' political ideologies with regard to EU affairs. Whether MPs are closer to pro-European or Eurosceptic positions depends on their opinion on their parliament's role in national and European politics, on their opinion on parliament's scrutiny infrastructure and activities related to EU affairs, as well as on their opinion on European integration. Measuring parliamentarians' position on these matters and the origin of such positions will enable a better understanding of their involvement level during EU and intergovernmental treaty negotiations.

**H1.2:** The positioning of parliamentarians on the political spectrum within their respective parliaments means whether they belong to the opposition or to the parliamentary majority. Political positioning may determine MPs' use of parliamentary instruments, the goals pursued, the interests defended and initiatives taken to preserve the party's influence within parliament. Strategical considerations may motivate MPs to engage in EU affairs, depending on the strength of their scrutiny system. The Theory of Endogenous Institutional Change tries to explain the role of interests and political competition as factors of potential transformation. EU treaties and intergovernmental treaties on the EMU may represent moments where differences in interests between opposition and majority grew bigger and led to the reinterpretation of the institutional framework. The discrepant views on EU issues during treaty negotiations may have led to polarisation and conflicts between MPs over the institutional status quo.

**H1.3:** Like the sub-hypothesis H1.2, this sub-hypothesis founds on the Theory of Endogenous Institutional Change, because it highlights the logical consequence of diverging interests on interactions between parties within parliament. EU treaties and intergovernmental treaties on the EMU may increase political contestation over established rules and push parliamentarians to reinterpret their institutional framework and initiate reforms. The conflictual situation that might emanate from the context of EU and intergovernmental treaty negotiations can be measured through parliamentary instruments (votes, questions, interpellations, etc), but also the content analysis of discourses during plenary sessions. We can thus expect that the more divergences exist between parties over treaty issues, the more MPs will become active in defending their positions and stick to stronger group discipline.

**H2:** The second hypothesis aims to test how EU and intergovernmental treaties triggered wider attention among parliamentarians on EU issues. Mainstreaming is understood here as increased parliamentary activity in EU affairs, but also MPs' wider awareness about the importance of EU issues in parliamentary everyday work. Historical Institutionalism will be helpful to explain overall evolutionary trends in the involvement and awareness of MPs with regards to EU affairs. We assume that the mainstreaming of EU affairs originates both from institutional factors, but also from parliamentarians' opinions and sociological profiles. On the one hand, the Theory of Endogenous Institutional Change permits to assess the role of MPs' strategical considerations

when dealing with EU affairs. On the other hand, Sociological Institutionalism helps explaining how MPs' personal experiences, their conceptions and beliefs on European integration and the role of parliaments may influence mainstreaming trends.

**H2.1:** To test the first sub-hypothesis, we use qualitative data such as interviews. Sociological Institutionalism will help to understand to what extent parliamentarians' profiles influenced their involvement in EU affairs. To assess whether an MP has a "Europeanised" profile, we will check for personal and political experiences linked to EU affairs, political positions within parliament (position occupied for example as EAC Chair or EU speaker, participation in interparliamentary conferences, etc) and opinions on European integration.

**H2.2:** The second-sub-hypothesis bases on Sociological and Historical institutionalist approaches of agents' preferences. We will use parliamentary documents to check which sectoral committees were involved in discussions on EU and intergovernmental treaties. The analysis of the use of scrutiny instruments will also indicate which MPs were the most active. Based on biographical data, we will be able to check when sectoral committee members will be more, less and equally active than EAC members.

**H3:** The last hypothesis aims to test to what extent European treaties triggered institutional change within parliaments. The emphasis here is on dynamics of change. The combination of institutional capacities and MPs' motivations affects the degree and direction of change in each chamber. While the main hypothesis and sub-hypotheses base mostly on Historical Institutionalism and meso-level dynamics, the second sub-hypothesis can also be linked to the motivational approach of Sociological Institutionalism because it deals with sociological profiles of "political entrepreneurs of change".

**H3.1:** The comparison of legal bases (constitutional amendments, amendments to Rules of Procedures), scrutiny procedures (establishment of EU topical debates, participation rights of MEPs in plenary sessions) and infrastructures will allow us to assess parliamentary strength in EU affairs. Moreover, the measure of MPs' satisfaction about their scrutiny system through interviews will give us an overview of each parliament's perception of its formal capacities. All three parliament are small, but are not equipped in the same way when it comes to participation rights in EU affairs. Whether a parliament is perceived as strong or not depends not only on its formal capacities, but also on MPs' perception of their parliament's role in the EU. Therefore, both Historical and Sociological Institutionalism will be used to test this sub-hypothesis. The first theoretical branch helps assessing parliaments' formal capacities and their evolution, while the second theoretical branch helps understanding MPs' normative perception of their institution.

**H3.2:** The second sub-hypothesis bases once again on the two complementary neo-institutionalist approaches to explain how parliamentary culture (consensual vs conflictual) determined which category of MPs endorsed the role of "political entrepreneurs of change". Here, the analysis of minutes of committee and plenary meetings, as well as biographical data, will allow us to identify the key players. According to the Theory of Endogenous Institutional Change, reforms happen through rule contestation and subsequent competition between agents over rule reinterpretation. In that case, political competition between majority and opposition

might have led to institutional change. Sociological Institutionalism assumes that differences in agents' normative perception of existing institutions leads to change without political competition. MPs with "Europeanised" and pro-European profiles might be more inclined to trigger change because of personal conviction in a consensual atmosphere, while Eurosceptic opposition MPs and/or "specialised"/sectoral committee MPs might be motivated by political strategies in a competitive atmosphere.

**H3.3:** The last sub-hypothesis founds solely on the Theory of Endogenous Institutional Change, as the aim is to find out about the nature and direction of change in parliaments. At the same time, we will check if there is a correlation between institutional change and treaty negotiations.

Complementarity between theories and the data will help testing the above-mentioned hypotheses and draw as complete a picture as possible of parliamentary involvement in the context of EU and intergovernmental treaty negotiations.

### 3.5 Conclusion

This chapter exposed the main features of Historical and Sociological Institutionalism, two strands of new institutionalism with different explanatory paradigms on the role of institutions, their origin and their evolution. The Theory of Endogenous Institutional Change within the Historical institutionalist strand will serve as theoretical background to explain institutional evolution in the context of treaty negotiations, as well as the role of parliamentarians' divergent interests in this process. Sociological Institutionalism will be used as a micro-level based theoretical approach to identify MPs' motivations, their origins and how they affected parliamentary involvement in EU affairs. While Historical Institutionalism focuses on the temporal dimension of political institutions, Sociological Institutionalism considers ideas and motivations as central elements determining the interactions between political institutions and their agents. In the end, parliamentary involvement in Luxembourg, Austria and Finland will be explained through the lenses of two complementary institutionalist approaches combining both "calculus" and "cultural" perspectives.

## Chapter 4. Methods, data and research design

The previous chapter outlined the theoretical approaches used in this thesis. The combination of Historical and Sociological Institutionalism helps to understand the interplay between parliamentarians' motivations, parliamentary activity and institutional change in an evolutionary perspective. While the evolution of formal capacities can be assessed quantitatively because focused solely on evolutionary trends, motivations need to be explained through qualitative data. Interviews are the most common method used in studies focused on sociological aspects of motivations. In his study on the role of EAC chairs, Rozenberg applies the motivational approach by conducting interviews with key players (Rozenberg, 2012 and 2018). The same goes for the investigation of political contestation and conflicting interests through the Theory of Endogenous Institutional Change. Gaining knowledge on the reasons underpinning coalition formation, mechanisms of rule reinterpretation and their influence on parliamentary involvement implies to assess in detail parliamentary culture and MPs' interests. Qualitative Content Analysis will help to extract this information from interviews.

The present chapter describes our comparative research design, the indicators, the data collected and the methods used to analyse the data. Our research is based on a qualitative-oriented historical comparative design. Qualitative data was retrieved from both semi-structured interviews and documentary resources, while quantitative data was obtained thanks to calculations made from statistics provided by each parliament.

### 4.1 Research design: historical-comparative analysis

A qualitative-oriented comparative research design seemed the most appropriate for the present thesis, as it allows explaining variations across national parliaments in terms of motivational and institutional factors. Even if a single-case study may have sufficed to gain in-depth knowledge on parliamentary involvement, conclusions may have possibly omitted explanatory factors otherwise discovered through a comparison. Lijphart has outlined the nature and use of comparative methods in an article published in 1975. The author distinguishes the comparative method from other research methods, such as the experimental and statistical methods or the case study. He uses the definition given by Warwick and Osherson, who characterise comparative methods as “social scientific analyses involving observations in more than one social system, or in the same social system at more than one point in time” (Warwick and Osherson, 1973, p.8, In: Lijphart, 1975, p.160). The main goal of the comparative method is to assess rival explanations in order to “[bring] into focus suggestive similarities and contrasts among cases” (Collier, 1993, p.105).

While the case study method relies on the examination of single cases, the experimental and statistical methods aim to include as much cases as possible, taking the form of large-N designs. The case study method allows “thick descriptions” that cannot lead, however, to generalisations. The distinction between single case studies and comparative methods is blurred



to some extent. Indeed, case studies might also be of comparative nature if they are meant to serve as particular example in a broader comparative framework or if the focus remains on within-case variations over time. Statistical methods, on the other hand, are not able to provide detailed explanations on each case, as they tend to “be limited to national political systems” (Lijphart, 1975, p.167). In Legislative Studies, scholars using statistical methods often consider parliaments as unitary actors and do not differentiate parliamentary actors and structures. On the contrary, the comparative method founds on a careful selection of cases and the focus on smaller units of analysis. We use Rohlfing’s notion of “integrative comparative case study” (Rohlfing, 2012), because this thesis comprises more than one case and is designed both as a cross-case and within-case comparison. The main objective of comparative designs is to develop, test or refine theories (Hopkin, In: Marsh/Stoker, 2010, p.285). In our case, we seek to base on existing theories and approaches to refine them depending on the empirical results.

Designed as a small-N study, the purpose of the cross-case comparison is to identify patterns of variation in parliamentary involvement across the three studied parliaments. The examination of variations between parliaments will be complemented by a within-case comparison, i.e. the analysis of motivational and institutional variations within each parliament separately. The within-case comparison should serve as a starting point for cross-case comparison. The choice for “thick case studies” was deliberate in view of previous research conducted on the role of national parliaments. As mentioned in the literature review, the predominance of quantitative large-N comparisons led to a lack of in-depth knowledge on parliamentary involvement. Moreover, the quasi-absence of literature on the Luxembourgish case and the mostly outdated sources on the Austrian parliament made us realise that a small-N design would be more suited to provide detailed explanations on internal dynamics until now neglected by large-N designs. The quasi-absence of secondary sources on most compared legislatures forced us to adopt both an inductive and deductive approach to gather the necessary data in order to be able to elaborate a refined theoretical framework applicable to our cases. Starting from the theory, we seek to gather concrete evidences in order to confirm arguments from Historical and Sociological Institutionalism. Our empirical research borrows also from the inductive approach, because we seek to observe the evolution of actors’ involvement and their interests at the micro level, so that a theory or concept refinement may be possible (Muller/Torbjörn/Strøm, 2000).

We are of course aware of the limitations of such a small-N comparison. Indeed, the risk exists that the compared cases are unrepresentative of trends otherwise observed in large-N designs. Thus, generalisations are limited and results might be specific to the sole three cases. Moreover, the small-N research design relies mainly on qualitative data and methods and the results might run the risk to be biased and to reflect subjective observations of the situation (Hopkin, In: Marsh/Stoker, 2010). The added-value of the research is our ability to identify variations within a smaller scale and to integrate qualitative data that is difficult to measure with statistical or experimental methods.

## 4.2 Indicators

We developed indicators to measure the institutional and motivational features of parliamentary involvement in EU affairs. First, we need to assess the formal capacities and their evolution in each chamber. The aggregation of institutional capacities and parliamentary practices might then allow us to determine effective parliamentary involvement. Several rankings of parliaments were made according to their institutional strength in EU affairs (Auel/Rozenberg/Tacea, In: Hefftlar/Neuhold/Rozenberg/Smith, 2015; Karlas, 2011; Maurer/Wessels, 2001; Raunio, 2005; Winzen, 2012). Scholars understand parliamentary involvement differently, but all of them focus merely on formal structures and rules (Auel/Rozenberg/Tacea, In: Hefftlar/Neuhold/Rozenberg/Smith, 2015). The measurement of parliamentary involvement in EU affairs does not elicit unanimity among scholars. Winzen measures parliamentary control of European affairs using indicators such as the availability and scope of information transferred to the parliament, the resources and structures to process the information (distinction between European Affairs Committees and standing committees) and the mandating rights (Winzen, 2012). Karlas focuses on the scrutiny power of parliaments using four dimensions: the information access, the scope and decentralisation of scrutiny as well as the ability of the parliament to issue binding mandates (Karlas, 2011). Bergman focuses exclusively on EACs and takes account of their composition, their competences depending on the EU policy pillars and their ability to bind their government's position (Bergman, 1997).

The main criticism that can be addressed to these rankings is their tendency for biased and outdated results. Indeed, the authors grade parliamentary involvement according to formal capacities without including informal tools and actors' motivations in their analysis. Most studies were conducted in the 2000's and do not take future evolutions into account. Measuring motivations is all the more difficult as it has to found on qualitative criteria, which are absent in these quantitative-oriented rankings. Auel et al. try to integrate both formal, informal and motivational aspects of parliamentary control (Auel/Rozenberg/Tacea, 2015). They assess activities such as the issuing of mandates and resolutions, the number and times of EAC meetings and plenary debates, the number of submitted opinions to the European Commission in the framework of the political dialogue, as well as MPs' motivation to engage in European affairs. Both institutional capacities, parliamentary activities and some motivational aspects underpinning the former are included in their analysis. However, it remains largely quantitative and gives only hints for further investigation into actors' motivations regarding EU politics.

Treaty negotiations might affect parliamentary rules and organisation to a significant extent. Therefore, one objective will be to analyse the evolution of formal parliamentary capacities in the three chambers, determining the causes of such an evolution and further consequences. Institutional capacities comprehend parliaments' formal capacities to deal with EU affairs, be it through their legislative function, their scrutiny function or their communication function. Institutional aspects of parliamentary involvement are easier to measure due to their predominant quantitative nature and the easy access to the sources. This first aspect can be labelled "institutional Europeanisation". Institutional factors such as parliamentary control capacities of governmental activities or a parliament's internal

organisation might have an impact on the actual parliamentary involvement in EU affairs. Depending whether the EU scrutiny procedures are decentralised such as in the Luxembourg Chamber of Deputies, or centralised in the Austrian National Council and in the Finnish Eduskunta, MPs will deal differently with EU matters. Parliamentary resources in general, dependent on the small size of these countries, determine the ability of parliamentarians to make use of scrutiny instruments.

Another objective will be to examine MPs' attitudes and ideological position towards European integration, their beliefs regarding their parliament's role during and after negotiations, in sum their motivations for engaging in EU affairs during treaty negotiations. The establishment and measurement of motivational factors turns out to be trickier because of their blurred definition and the large leeway for subjective interpretation. As scholarly attention on motivational aspects of Europeanisation is rather new, no homogeneous method and indicators have been developed to measure incentives, even less in European matters. Thus, we developed criteria partly retrieved from secondary literature and partly elaborated according to our research objectives. Motivational factors encompass parliamentarian's personal and/or political experiences, their current involvement in parliament and more specifically in EU affairs and finally their opinion on their parliament's role, on EU affairs, as well as on EU and intergovernmental treaties. The following table (table 6) sums up the main indicators established in the framework of the present thesis that served as background for the analysis of parliamentary documents and interviews. Both list of explanatory factors have to be considered as constantly interdependent from each other, in the light of the new-institutionalist argument of close interdependency between agents and structures.

**Table 6: Indicators measuring parliamentary involvement**

<b>MOTIVATIONAL FACTORS</b>		
<b>Indicator</b>	<b>Description</b>	<b>Data</b>
<b>1. Experiences</b>	Political and personal experiences prior to parliamentary mandate and linked to EU affairs	
<i>1.1 political experience regarding EU affairs and treaty negotiations</i>	Political experience prior to parliamentary mandate	
1.1.1 Membership length and position in political party	Level and type of engagement in political party prior to parliamentary mandate	Interviews, profiles on parliamentary websites
1.1.2 Experience in the Executive	Functions in the Executive (ministries, embassies etc) prior or in between parliamentary mandates	Interviews, profiles on parliamentary websites
1.1.3 Length of parliamentary mandate	Long-term or short-term membership in parliament	Interviews, profiles on parliamentary websites
1.1.4 Overlapping mandates: local vs national	Simultaneous political mandates on local and national level	Interviews, profiles on parliamentary websites
<i>1.2 Personal experience linked to EU affairs</i>	Personal experience prior to parliamentary mandate	
1.2.1 Studies	Type of studies and link to EU affairs	Interviews, profiles on parliamentary websites
1.2.2 Professional experience linked to EU	Professional experience prior to parliamentary mandate, public vs private sector	Interviews

1.2.3 Associative commitments linked to EU	Membership in national or European associations with link to EU affairs	Interviews
<b>2. Involvement within parliament</b>	Individual level of involvement within parliament in EU affairs and in particular during EU and intergovernmental treaty negotiations	
<i>2.1 Distribution of functions within parliament</i>	Positioning within parliament	
2.1.1 Member of majority vs opposition	Political positioning within parliament	Interviews, profiles on parliamentary websites
2.1.2 Number of committee memberships	Multiple/ overlapping committee memberships	Interviews, profiles on parliamentary websites
<i>2.2 Type of functions within parliament</i>	MPs' functions and competences within parliament	
2.2.1 Membership in specialised parliamentary committees vs EAC	Type of membership in parliamentary committees and reasons for membership	Interviews, profiles on parliamentary websites
2.2.2 Rapporteurship on issues related to EU and intergovernmental treaty	Specialisation in specific EU dossiers	Interviews, parliamentary documents
2.2.3 Chairman of a committee	Responsibility functions	Interviews, profiles on parliamentary websites
2.2.4 EU- or foreign affairs speaker of a parliamentary group	Speaker function with potential specialisation in specific EU dossiers	Interviews
2.2.5 Member of an interparliamentary delegation/conference	Level of participation in interparliamentary cooperation formats	Interviews, profiles on parliamentary websites
<i>2.3 Parliamentary activity</i>	MPs' effective level of involvement in EU affairs	
2.3.1 Initiatives regarding parliamentary participation rights	Individual or party initiatives taken to strengthen parliamentary rights through amendments to legal bases	Interviews, parliamentary documents
2.3.2 Use of parliamentary instruments (questions, motions, interpellations etc)	Frequency, purpose and distribution of the use of parliamentary tools among MPs	Interviews, parliamentary documents
<b>3. Opinion on parliament</b>	MPs' opinion on the role of their parliament in national and European politics	
<i>3.1 Opinion on relations with other institutions</i>	(Dis)satisfaction with the interaction of parliament with other national and European bodies	
3.1.1 Relation with executive	Information policy and coordination with the Executive on EU affairs	Interviews
3.1.2 Relation with upper chamber (AT)	Coordination on EU affairs with the Federal Council in Austria	Interviews
3.1.3 Relation with European institutions	Direct information exchange and cooperation mechanisms with EU institutions (political dialogue)	Interviews
3.1.4 Relation with MEPs	Direct contact with MEPs from the same country	Interviews
3.1.5 Relation with civil society	Cooperation with civil society (professional chambers, trade unions) on EU affairs through	Interviews

	meetings, hearings, auditions, opinions etc	
3.2 <i>Opinion on parliament's scrutiny infrastructure in EU affairs</i>	(Dis)satisfaction with scrutiny infrastructure in EU affairs	
3.2.1 Opinion on organisational structures/resources	Opinion on the availability of resources for parliamentary work	Interviews
3.2.2 Opinion on support of parliamentary administration	Opinion on the availability, competences and support of administrative personnel within parliament	Interviews
3.2.3 Opinion on party internal organisation/support in EU affairs	Opinion on availability of resources and personnel within parliamentary groups and political parties	Interviews
3.3 <i>Opinion on parliamentary activity</i>	(Dis)satisfaction with the level of parliamentary activity and awareness of MPs about EU affairs, in particular during EU and intergovernmental treaty negotiations	
3.3.1 Opinion on overall level of activity in EU affairs	Opinion on the level of involvement of MPs and their awareness about EU affairs	Interviews
3.3.2 Opinion on activity during EU and intergovernmental treaty negotiations	Opinion on MPs' level of involvement in the follow-up of EU and intergovernmental treaty negotiations	Interviews
<b>4. Opinion on EU</b>	(Dis)satisfaction with the European integration process and salience of EU treaties and intergovernmental treaties on the EMU	
4.1 <i>General opinion on EU affairs</i>	Position on European integration process and perception of EU affairs	
4.1.1 Ideological/political position on EU integration	Pro-EU vs euroscepticism	Interviews, party electoral programmes
4.1.2 Opinion on the nature and salience of EU affairs	Characterisation of EU issues and their level of importance for each MP, general level of interest for EU issues	Interviews
4.1.3 Opinion on cooperation with the EU level (EU institutions, interparliamentary cooperation)	(Dis)satisfaction with interparliamentary cooperation formats and cooperation with other European bodies	Interviews
4.2 <i>Position on EU treaties and intergovernmental treaties on the EMU</i>	Political position on and salience level of each EU and intergovernmental treaty	
4.2.1 Ideological/political position on EU treaties and intergovernmental treaties on the EMU	Support or rejection of EU treaties and intergovernmental treaties on the EMU	Interviews, parliamentary documents
4.2.2 Opinion on interparliamentary cooperation formats	(Dis)satisfaction about Article 13 Conference	Interviews

## INSTITUTIONAL FACTORS

Indicator	Description	Data
<b>1. Legislative function</b>	Oversight functions in EU affairs	
<i>1.1 Information policy</i>	Exchange of information with different national and European bodies	
1.1.1 Legal basis	Legal framework regulating information exchange	National constitutions, laws and internal Rules of procedures
1.1.2 Coordination with government	Mechanisms of information exchange with the government, within and outside parliament	
1.1.4 Cooperation with other national actors (civil society, national jurisdictions, professional chambers etc)	Mechanisms of information exchange with different national bodies	National constitutions, laws, parliamentary documents, interviews
1.1.5 Party meetings/parliamentary group meetings	Mechanisms of information exchange internal to parliamentary groups and political parties	Interviews
1.1.6 EU working groups within parties	Organisation, composition, competences of party EU working groups	Interviews
1.1.7 Use of MEPs staff resources within NPs	Availability and mechanisms of MEPs' staff resource mobilisation	Interviews
1.1.8 Direct cooperation with MEPs	Direct exchange of information with MEPs, either within political party, within parliament or on European level within EP and interparliamentary cooperation formats	Parliamentary documents, interviews
1.1.9 Direct contact with parliament permanent representation in Brussels	Mechanisms of information exchanges with parliaments' representative in Brussels	Interviews
1.1.10 Direct contact with countries' permanent representation in Brussels	Mechanisms of information with countries' permanent representation in Brussels	Interviews
1.1.11 Cooperation with other NPs	Mechanisms and formats of information exchange with MPs or civil servants from other NPs	Parliamentary documents, interviews
1.1.12 Individual contact networks	Information gathering through personal channels	Interviews
<i>1.2. Scrutiny infrastructure</i>	Organisation of scrutiny within parliament	
1.2.1 Legal basis	Legal framework regulating the organisation of scrutiny of EU affairs within parliaments	National constitutions, laws and internal Rules of procedures
1.2.2 Parliamentary administration	Resource availability, composition, competences, functions in EU affairs	Internal Rules of procedures, interviews
1.2.3 Parliamentary group	Resource availability, composition, competences, functions in EU affairs	Interviews
1.2.4 Political party	Resource availability, composition, competences, functions in EU affairs	Interviews
1.2.5 Committee system	Resource availability, composition, competences, functions in EU affairs, set up of special committees to deal with EU treaties and intergovernmental treaties on the EMU	Internal Rules of procedures, interviews

<i>1.3 Scrutiny procedure</i>	Control mechanisms of EU affairs within parliament	
1.3.1 Legal basis	Legal framework regulating scrutiny mechanisms	National constitutions, laws and internal Rules of procedures
1.3.2 Parliamentary instruments	Parliamentary questions, motions, interpellations, debates etc	National laws and internal Rules of procedures
1.3.3 Parliamentary mandates	Ability to issue binding mandates	Internal Rules of procedures, Interviews
1.3.4 Degree of involvement of specialised committees	Decentralisation vs centralisation of EU affairs	Internal Rules of procedures, Interviews
1.3.5 Participation of MEPs in parliamentary debates	Mechanisms and rights of MEPs' participation in national parliament	Internal Rules of procedures, Interviews
<b>2. Communicative function</b>	Parliaments' publicity level of EU affairs	
<i>2.1 Communication instruments</i>	Websites, TV channels	Parliaments websites, interviews
<i>2.2 Public auditions/meetings on treaties</i>	Organisation of auditions, meetings, hearings with civil society on EU treaties and intergovernmental treaties on the EMU	Parliamentary documents, interviews
<i>2.3 Plenary debates</i>	Frequency of plenary debates on EU affairs/ EU and intergovernmental treaties	Parliamentary documents, interviews
<i>2.4 Public party meetings/workshops on EU treaties and intergovernmental treaties on the EMU</i>	Frequency and purpose of public party meetings on EU affairs	Interviews

## 4.3 Data collection

In this section, we will outline our data collection methods. We relied on different types of sources: secondary literature on parliaments, primary sources (parliamentary documents, parliamentary statistics, party programmes, discourses) and interviews. Most information for the thesis was retrieved from these sources, even though quantitative data was also gathered in order to get an overview of parliaments' institutional framework and evolutionary trends in parliamentary activity. Prior to the conduction of interviews, we submitted an authorisation request to the Ethics Review Panel of the University of Luxembourg, as well as to the Luxembourg National Commission for data protection, which was accepted after thorough review.

### 4.3.1 Qualitative Data

#### 4.3.1.1 First step: identifying research gaps and key issues

#### Secondary sources

We used secondary literature at the beginning of the project in order to draw a picture of existing contributions in Europeanisation research and legislative studies. Sources encompassed books, conference papers and journal articles from different research fields:



- Legislative Studies, more specifically within European Studies
- Empirical case studies retrieved from European and Legislative Studies
- Public Administration literature
- Political Sociology and Political Psychology, both within European and American literature
- Methods guidebooks in Political Science
- New-institutionalist literature

### Primary sources

We assessed parliaments' participation rights thanks to several sources summed up in the following table:

**Table 7: Used primary sources**

<b>European legal bases</b>	
<i>European treaties</i>	Treaty establishing a Constitution for Europe, Treaty of Lisbon, European Stability Mechanism, Treaty on Stability, Coordination and Governance in the EMU
<b>National legal bases</b>	
<i>National Constitutions</i>	<ul style="list-style-type: none"> <li>- Austria: Bundes-Verfassungsgesetz</li> <li>- Finland: Suomen perustuslaki</li> <li>- Luxembourg: Constitution du Grand-Duché du Luxembourg</li> </ul>
<i>Parliaments' Rules of Procedures</i>	<ul style="list-style-type: none"> <li>- Austria: Geschäftsordnung des Nationalrates</li> <li>- Finland: Parliament's Rules of Procedure</li> <li>- Luxembourg: Règlement de la Chambre des Députés</li> </ul>
<i>National information laws / Memorandum on cooperation between parliament and government</i>	<ul style="list-style-type: none"> <li>- Austria: ESM-Informationsordnung, Informationsordnungsgesetz (InfOG), Informationsverordnung (InfoV), EU-Informationsgesetz</li> <li>- Finland: /</li> <li>- Luxembourg: Aide-mémoire sur la coopération entre la Chambre des Députés et le Gouvernement du Grand-Duché de Luxembourg en matière de politique européenne (Annexe 3, Règlement de la Chambre des Députés)</li> </ul>
<b>Parliamentary documents</b>	
<i>Minutes of committee meetings</i>	All selected committees involved in the negotiation process of EU treaties and intergovernmental treaties on the EMU
<i>Minutes of plenary sessions</i>	All relevant plenary sessions dealing with EU treaties and intergovernmental treaties on the EMU
<i>Committee reports</i>	All relevant committee reports dealing with EU treaties and intergovernmental treaties on the EMU
<i>Opinions from the civil society (trade unions, professional chambers)</i>	All relevant opinions dealing with EU treaties and intergovernmental treaties on the EMU
<b>Other</b>	
<i>Newspaper articles</i>	All relevant national newspaper articles handling EU and intergovernmental treaties or parliaments' behaviour towards EU treaties
<i>Party programmes, Electoral programmes</i>	All party and electoral programmes since 2004



In the following chapters, primary sources will be cited directly in the footnotes instead of being included in the main bibliography.

#### *4.3.1.2 Second step: Identifying key players*

After we obtained an overall view on the state of the art in the Europeanisation literature and the formal competences of each parliament, we sought to identify key players in each chamber in order to conduct interviews. Before examining parliamentary documents, we tried to reach all MPs from the three chambers with a designed survey mixing both qualitative and quantitative indicators.

#### Survey

The first step of the empirical research took the form of an online survey sent to current parliamentarians from each studied legislature. The objective of this survey was to obtain preliminary information on their parliamentary work, with a special focus on European affairs, and thus to identify those MPs actively involved in these matters. The answers given to the survey were meant to determine future interviews with those members of parliament identified as involved in European affairs, especially during negotiations on the Treaty of Lisbon, the ESM and the TSCG. The universal design and the question wording aimed to facilitate the administration of the survey to all current and former MPs from the three parliaments. A French and German adapted version were sent to the MPs from the Luxembourg Chambers of Deputies; a German version to the MPs from the Austrian National Council and an English version to the MPs from the Finnish Eduskunta. The survey mixed quantitative and qualitative oriented questions (both open-ended and closed questions), but its design aimed to be mainly qualitative. The quantitative-oriented questions helped to accelerate the filling of the questionnaire. Participants could skip questions according to their answers. The invitation mail was sent to each MP individually between the 07<sup>th</sup> and 9<sup>th</sup> June 2016. The personalised mail contained a description of the project and explanations on the survey's objectives and duration. The survey could be filled in in different ways: either online through the survey platform "Typeform" by clicking on a link inserted in the mail; or by filling in the PDF document converted into a fillable form and translated into French, German and English. In addition to the PDF document that was attached to the invitation mail, an information sheet and consent letter were also added, summarising the context and aim of the research, as well as informing the participants about their rights in the framework of the project (guarantee of anonymity, possibility to end the participation at any time). The confidentiality and anonymity clause was repeated in the online survey, in the mail and in the PDF document. Although the survey itself contained questions on personal details, such as party affiliation and names, the participants were guaranteed absolute confidentiality through an anonymisation process that was undertaken afterwards to exclude any identification. The personal information merely served practical and organisational purposes, namely the identification of MPs actively involved in European Affairs, especially during the negotiations on the Treaty of Lisbon, the ESM and the TSCG.

The survey turned out to be a challenge for different reasons: firstly, we could not reach former parliamentarians because of the absence of contact details on the parliaments' webpages.

While in Austria, information about former MPs' profiles was more complete, no information could be found for the Luxembourg Chamber of Deputies and the Finnish Eduskunta. The answers were thus limited to current MPs. Secondly, the response rate turned out to be very low, especially in Austria and Finland, despite a second e-mail reminder. In the end, we decided to drop this method and to pick out all key players from parliamentary documents related to EU treaties and intergovernmental treaties on the EMU.

### Parliamentary documents

The examination of specific parliamentary documents related to each studied treaty enabled the identification of current and former parliamentarians involved directly or indirectly in negotiations. Documents produced by parliamentary administrations, committees and parties served as a useful basis.

While documents outlining the legal bases for parliamentary involvement in EU affairs helped understanding the institutional framework, the second category of documents helped identifying key players for future interviews. Parliamentarians who contributed to negotiations on one or several of these EU-treaties were identified either in parliamentary documents (mainly for the Luxembourgish case), or thanks to legislatures' openly accessible databases containing the names of parliamentarians from previous legislative periods (Austria and Finland). We first searched for all the documents mentioning the names and functions of parliamentarians who were directly involved in EU-treaty negotiations. These documents were found on the websites of the respective legislatures. The website of the Luxembourg Chamber of Deputies has a section dedicated to archived documents, where we could access different types of documents by typing key words and selecting specific timeframes related to the European treaties investigated in our thesis<sup>42</sup>. Documents from the period preceding 2006 were consulted on the spot in the archives of the chamber. On the Austrian National Council's website, we first searched in the news section ("Parlamentskorrespondenz") and then expanded our research to the archives section of the parliament, where we found committee and plenary session protocols. Document research on the Eduskunta's website was more difficult due to language issues. The English version of the parliament's website does not show the archives section. Therefore, we had to activate the "Google translate" option on the website to identify the relevant sections. We then retrieved all the necessary documents translated in English.

Types of documents found on each website were the following ones: committee reports, minutes of committee meetings, minutes of plenary sessions, opinions produced by diverse state actors to the parliament, summaries of treaty negotiations on news websites such as Europaforum.public.lu, questions, motions, interpellations, parliamentary blogs such as the "Parlamentskorrespondenz" of the Austrian National Council<sup>43</sup>. All these documents were dealing with the studied treaties. We collected the names of key players (MPs) found in the

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<sup>42</sup> See

[http://chd.lu/wps/portal/public/!ut/p/b1/04\\_SjzQyNTM3N7Y0M9OP0I\\_KSyzLTE8syczPS8wB8aPM4I2MXMK\\_CPE2MDNzNA00MjLxcvcxKg\\_2M3S1BGiKBCgxAecDVP3-rsFmBkbGAcaOQcFGQHkTqH4jC4vgIHdHX1dLy1AnA08DZ8Ng10AnIwNPI-Lsx2MBAf1-Hvm5qfq5UTlubhaOigAT4awH/dl4/d5/L2dJQSEvUU3QS80SmtFL1o2XzI4SEhBTkVUMkdPTEUwQVVEOEtkMFAxR0g1/](http://chd.lu/wps/portal/public/!ut/p/b1/04_SjzQyNTM3N7Y0M9OP0I_KSyzLTE8syczPS8wB8aPM4I2MXMK_CPE2MDNzNA00MjLxcvcxKg_2M3S1BGiKBCgxAecDVP3-rsFmBkbGAcaOQcFGQHkTqH4jC4vgIHdHX1dLy1AnA08DZ8Ng10AnIwNPI-Lsx2MBAf1-Hvm5qfq5UTlubhaOigAT4awH/dl4/d5/L2dJQSEvUU3QS80SmtFL1o2XzI4SEhBTkVUMkdPTEUwQVVEOEtkMFAxR0g1/) [last accessed on 24.05.2019]

<sup>43</sup> <https://www.parlament.gv.at/PAKT/PR/> [last accessed on 24.05.2019]

documents and summarised in an Excel sheet the most important information about them (party affiliation, committee membership, length of mandate, involvement during EU and intergovernmental treaty negotiations, etc). Then, we prioritised key players according to the number of times they participated in discussions on the treaties. Contact details of current MPs were retrieved from the parliaments' websites. However, contact details of former MPs' were more difficult to find. The Luxembourg Chamber of Deputies does not display the names of former MPs on its website. Former MPs' profiles can still be found on the Eduskunta's and National Council's websites, but not their contact details. We contacted former MPs either through simple search on the internet, or by contacting the secretariat of their respective political parties.

#### *4.3.1.3 Third step: Conducting Interviews*

As a first step, we designed three interview grids, one for parliamentarians, one for civil servants from EU secretariats and one for parliamentary group collaborators. We designed the questions according to the information retrieved from parliamentary documents and our list of explanatory factors. We divided the grid destined for MPs into four main sections: the first section focuses on MPs' motivations to get involved in EU affairs; the second section deals with their working methods during negotiations on the four studied treaties; the third section handles potential evolutions of their parliamentary practices after EU-treaty negotiations and the last section focuses on their perception of European integration and the role of their parliament in EU affairs. The second interview grid destined for civil servants contains three sections, concentrating on the working methods of the parliamentary administration with regard to EU affairs, the staff's role during treaty negotiations and finally some information about important institutional reforms undertaken by their parliament.

We decided to start the interviews with civil servants from the parliamentary administrations in order to obtain background information on working methods in EU affairs. We contacted in parallel all the parliamentarians listed in our Excel table, starting with Luxembourg in January and February 2017, continuing with Austria in March 2017 and Finland between January and May 2018. We led most interviews face-to-face. Few were conducted via telephone or answered in written form due to distance and time related issues. We recorded all interviews with the participants' prior consent. Each participant got an information letter itemising our research objectives and framework prior to the interview. Before the interview (or after in case of non-face-to-face interviews), participants received a consent form that had to be signed both by the interviewee and the interviewer. The consent form explained the rules of data protection as requested by the Ethics Review Panel of the University of Luxembourg. Further contacts were obtained thanks to the snowball sampling method, which consists in asking the interviewees about information on other known key players and eventually their contact details. Overall, we conducted 58 interviews, distributed among the different actor categories (MPs, civil servants and group collaborators).

**Table 8: Summary of conducted interviews**

	<b>Austria</b>	<b>Finland</b>	<b>Luxembourg</b>	<b>TOTAL</b>
<b>Current MPs (last legislative period until 2015)</b>	10	2	8	<b>20</b>
<b>Former MPs</b>	5	4	6	<b>15</b>
<b>Civil servants, parliamentary administration</b>	5	2	4	<b>11</b>
<b>Group collaborators</b>	2	4	2	<b>8</b>
<b>Other (trade union organisations, etc)</b>	0	1	3	<b>4</b>
<b>TOTAL</b>	<b>22</b>	<b>13</b>	<b>23</b>	<b>58</b>

Source: Own calculations

#### 4.3.2 Quantitative data

Our research is mainly qualitative-oriented, but we decided to rely on some quantitative measurements to underpin our arguments and crosscheck arguments from interviewees. Quantitative data on parliamentary activity and parliamentarians' profiles provided us with an overview of parliaments' institutional features and evolutionary trends in the handling of EU affairs since 2004. The evolution of parliamentary involvement in EU affairs can best be measured by assessing used parliamentary tools over the period running from 2004 to 2013. By parliamentary tools, we mean the proportion of parliamentary questions, motions, interpellations, plenary debates and opinions on EU topics; the number of meetings of the respective European Affairs Committees compared to meetings of specialised committees per legislative year and legislative period since the early 2000s. All this data was retrieved from yearly parliamentary reports and parliaments' websites (digital archives). We had to count most data manually, because parliamentary statistics do not separate between EU and non-EU matters. While we found easily debates on EU topics on the webpage of the Austrian National Council, they were less accessible for the other chambers. Parliamentary questions on EU affairs had to be counted manually in all cases. Their link to EU matters was identified in their title. When the overall number of questions was not too significant, like in Luxembourg, we counted them individually. However, when the number was too high, like in Austria, we proceeded with key words (for example EU, Europe, European, Parliament, Presidency, Council, directive, Lisbon Strategy, Europe 2020, European Commission). This method allowed counting the proportion of questions on EU affairs in relation to the total number of parliamentary questions during a legislative year and a legislative period.

#### 4.4 Strategy for data analysis: Qualitative content analysis

The data was analysed according to the grounded theory method. Grounded theory is a research strategy composed of diverse inductive methods aiming to either generate, refine or verify theories and concepts (Glaser/Strauss/Paul, 2008; Mey/Mruck, 2011). Empirical data

plays a significant role for theoretical foundation or refinement. Considered as a « constant comparative method » (Strübing, 2008 p.15), grounded theory draws on a permanent interlink between data collection, data analysis/interpretation and theory building/refinement. The researcher goes back and forth between the collected raw data and the analytical framework in which the data will be incorporated. This iterative process (Mey/Mruck, In: Mey/Mruck, 2011) permits to interpret directly the data according to the theoretical background used in the research. Our contribution aims to refine the “Europeanisation” concept as a notion combining both institutional and motivational perspectives of parliamentary involvement in EU affairs. To proceed so, we started with a deductive method based on theoretical concepts (Europeanisation, motivational approach) and analyses developed in Legislative Studies (see for example Auel/Christiansen, 2015) to create categories corresponding to our research strands<sup>44</sup>.

Then, we collected the data according to these categories and concepts, refining and completing our list with every interview. The use of pre-existing concepts and theoretical approaches regarding parliamentary involvement in EU affairs permitted to identify theoretically relevant elements in the empirical data. The interview grid itself is divided into sections, each corresponding to different but complementing research directions. Parallel to the process of data collection, we used the inductive method through data coding in order to obtain new evidence for concept refinement. Coding is an important element of grounded theory and serves as a multi-level tool for empirical data analysis (Strübing, 2008). We coded interviews based on the analytical strategy of Qualitative Content Analysis. Qualitative Content Analysis obeys a systematic procedure laid out by the researcher and adapted to the research questions and objectives (Mayring/Fenzl, 2014). Contrary to free analysis, content analysis follows specific analytical steps led by research guidelines. In this respect, category formation is an important part of the method in order to facilitate the classification of data and ultimately answer the research question. Content analysis is thus not a rigid technique, but is constantly evolving and readapted with each findings. In the present thesis, we relied on content analysis exclusively for interviews. Each interview was transcribed into verbatim transcript format, i.e. reproducing the original wording of the interviewees. We pseudonymised immediately interviewees’ names in the transcription process. We used the Atlas.ti software to proceed with the qualitative analysis of interviews’ content. All interviews were coded according to the criteria developed to measure parliamentary actors’ motivations with regard to EU affairs. Moreover, these interviews served also to collect information on the functioning of parliamentary scrutiny systems, the organisation of the parliamentary administration and groups, as well as the relation between parliament and government. Codes were then grouped together in order to facilitate the analysis.

The results of the analysis of parliamentary documents and interviews are laid down in the following three empirical chapters.

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<sup>44</sup> Factors as well as concepts determining parliamentary involvement can be found in multiple sources of secondary literature (see the literature review chapter). We retrieved the most salient factors, arguments and approaches on parliamentary participation in EU politics, adapting and completing them to the present thesis’ research objectives (see table of indicators).

## Chapter 5. Parliamentary involvement in EU affairs in the Luxembourg Chamber of Deputies

The present chapter explains the mechanisms of the Chamber of Deputies' involvement in EU affairs in the context of EU and intergovernmental treaty negotiations. The aim is to outline the Chamber's formal capacities and their evolution, as well as to explain what role MPs' played in institutional change over the course of the last two decades. Based on the hypotheses from Chapter 3, we seek to check correlations between the evolution of parliamentary participation rights and MPs' motivations with regard to EU affairs. The first section (5.1) seeks to outline the general institutional framework in Luxembourg. We will then explain how the Chamber of Deputies proceeds with the scrutiny of EU affairs (5.2). The third section will focus on socio-demographic features and MPs' general motivations to get involved in EU affairs (5.3). The next parts will then take each treaty and explain parliamentary involvement in the context of the Constitutional Treaty (5.4), the Lisbon Treaty (5.5) and the ESM and TSCG (5.6).

### 5.1 Luxembourg: general institutional framework

Luxembourg's political system is characterised by a combination of parliamentary democracy and constitutional monarchy anchored in a unitary state (Article 51 Constitution). This means that three actors lead the legislative process: the Government, the unicameral parliament and the Grand Duke of Luxembourg. Consociationalism and neocorporatism are the two main systemic features of the relationship between actors in the legislative process, through consensus-seeking practices and dialogue with the civil society. Consociational democracies aim to establish compromises at the state level to ensure the regime's stability through agreements between political and economic elites (Poirier/Dumont et al., 2006). The longevity of Luxembourg's coalition governments is one aspect of the consociational nature of the political system. Decisions on the national level can be reached only through compromises. The first section aims to outline the legislative process in Luxembourg by presenting the main actors as well as the rules and procedures. The presentation of the general institutional framework is essential to understand how EU affairs are being handled on the national level. Consensus-seeking strategies among parties and institutions involved in the legislative process are particularly visible in the case of EU affairs. In Luxembourg, European integration is perceived as an essential part of the country's history. It permitted to provide Luxembourg with a voice and an influential position on the European decision-making process through its equal position with bigger Member States (Gillissen, 1998; Hey, In: Hey, 2003; Majerus, In: Hirsch, 2008). Public opinion is mostly pro-European and supports Luxembourg's membership in the European Union<sup>45</sup>. The second section of this first part will therefore analyse how the Chamber

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<sup>45</sup> According to Eurobarometers, 77% of the population supported EU membership in 1997 for an EU average of 46% ([http://ec.europa.eu/public\\_opinion/archives/eb/eb47/eb47\\_fr.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb47/eb47_fr.pdf), last accessed 24.01.2018), 75% in 2000 for an EU average of 49% ([http://ec.europa.eu/public\\_opinion/archives/eb/eb53/eb53\\_fr.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb53/eb53_fr.pdf), last accessed 24.01.2018), 85% in 2003 for an EU average of 54%



of Deputies examines EU affairs, taking into account its formal capacities, its composition and MPs' profiles.

### *5.1.1 Actors of the legislative process*

This section presents the different actors of the legislative process in Luxembourg, the two most important being the Government and the Chamber of Deputies. However, other bodies such as the Council of State, professional chambers, the civil society or political parties exert a significant influence on the legislative process and parliament's activities.

#### *5.1.1.1 The Executive: the Grand Duke and the Government*

The Executive power in Luxembourg is bicephalous: on the one hand, the Grand Duke whose powers have been limited by the Constitution, and on the other hand the Prime Minister and the Government. The Grand Duke's functions are twofold: he is the Head of State as well as the Head of the executive power. Democratisation of Luxembourg's political system began in 1919, when the Grand Duke's role as representative of the nation was anchored in the Constitution (Dumont/Jarir/Spreitzer, In: Poirier, 2014). Limitations to the monarchical power were set in Article 32 of the Constitution. The sovereign power belongs to the nation and the Grand Duke exerts his functions in accordance with it. As Head of State, the Grand Duke represents the nation when receiving personalities on Luxembourgish ground. He concludes international treaties (Article 37 Constitution), appoints state civil servants (Article 35 Constitution) and magistrates (Article 90 Constitution). He is the guardian of the State institutions and guarantees the good functioning of the State. He is also the Head of the army (Article 37 Constitution).

In theory, the Grand Duke has the responsibility to form the government by nominating and revoking government members (Article 77 Constitution). However, in practice, the Prime Minister is responsible for the government's formation with the support of the Chamber of Deputies. The Grand Duke nominates a party candidate, the future Prime Minister ("formateur"), based on the results of national elections, who will be responsible to form the government with a support from the majority in parliament (Dumont/Jarir/Spreitzer, In: Poirier, 2014). As head of the executive, the Grand Duke has a right of initiative and can submit law proposals to the parliament (Article 47 Constitution). He can also dissolve the Chamber and call for new elections in case of a negative vote of confidence in the government (Article 74 Constitution). Finally, the Grand-Duke enacts the laws within the three months after the parliament's vote (Article 34 Constitution) and has a regulatory power, which means that he

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([http://ec.europa.eu/public\\_opinion/archives/eb/eb59/eb59\\_rapport\\_final\\_fr.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb59/eb59_rapport_final_fr.pdf), last accessed 24.01.2018). 79% in 2009 for an EU average of 53% ([http://ec.europa.eu/public\\_opinion/archives/eb/eb71/eb71\\_std\\_part1.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb71/eb71_std_part1.pdf), last accessed 24.01.2018) and 72% in 2011 for an EU average of 47% (<http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Chart/getChart/themeKy/3/groupKy/3>, last accessed 24.01.2018).

can produce two types of rulings (Article 36 Constitution): Grand-ducal decisions (“Arrêté grand-ducal”) and Grand-ducal regulations (“Règlement grand-ducal”). Grand-ducal decisions aim to enforce the law. Their adoption requires the opinion of the Council of State (“Conseil d’Etat”), with an exception in emergency cases, and needs to be signed by the responsible minister. Decisions can also be taken to organise the government and determine ministerial departments (Dumont/Jarir/Spreitzer, In: Poirier, 2014). Grand-ducal regulations require the opinion of the Council of State before their adoption as well as the signature of the responsible minister. The regulatory power of the Grand Duke allows him to implement sovereign acts (international laws and treaties). The role of the Grand Duke in the Luxembourgish political system has been revised over the last years in order to diminish his powers and to increase the democratic character of the legislative process. In 2009, the Grand Duke’s legislative powers have been totally removed, giving the exclusive legislative functions to the Chamber of Deputies<sup>46</sup> (Dumont/Jarir/Spreitzer, In: Poirier, 2014).

The Government and the Prime Minister represent the second branch of the executive. Governments in Luxembourg are defined by their “extraordinary stability and continuity” (Bossart, In: Wessels/Mittag/Maurer, 2003, p.304). Coalition governments are the common formation in Luxembourg (Spreitzer, In: Hefftl/Neuhold/Rozenberg/Smith, 2015), because parties usually do not obtain the absolute majority in parliament after legislative elections. Coalition governments were usually formed of the two biggest parties (CSV and LSAP), except since 2013 with the formation of a coalition between three parties without the Christian Democrats (Democratic Party DP, Luxembourg Socialist Workers’ Party LSAP and the Greens Déi Gréng).

**Table 9: Coalition governments in Luxembourg from 1999 until 2018**

Period	Coalition government
1999-2004	CSV-DP
2004-2009	CSV-LSAP
2009-2013	CSV-LSAP
2013-2018	LSAP-DP-Déi Gréng
Source: Own calculations	

The Government is led by the Prime Minister who chooses in practice the ministers. The composition of the Government is not fixed. The minimum number of required government members according to the Constitution is three (Article 76 Constitution). Ministerial functions are incompatible with other mandates or state functions (parliamentary or local mandates, magistrate, member of Council of State). The Prime Minister is responsible for the organisation and management of the Government, which implies the coordination between the ministerial departments. The Council of Government meets once per week and is composed of all government members, the Prime Minister and the Secretary General of the Council of Government. The latter depends directly from the Prime Minister. Ministers have a right of initiative concerning bill proposals. They take enforcement measures, countersign the Grand

<sup>46</sup> See the law of 12th March 2009 amending Article 34 Constitution (Loi du 12 mars 2009 portant révision de l'article 34 de la Constitution).



Duke's decisions and control their implementation. Government and Parliament are closely connected, mainly due to the frequent interchangeability between the position of minister and Member of Parliament. Government members pass almost all through the Chamber at some point in their political career and some of them even return to parliament once their mandate is over. On top of that, independently from the Grand Duke's responsibility, ministers are also accountable to the Chamber of Deputies.

#### *5.1.1.2 The Chamber of Deputies*

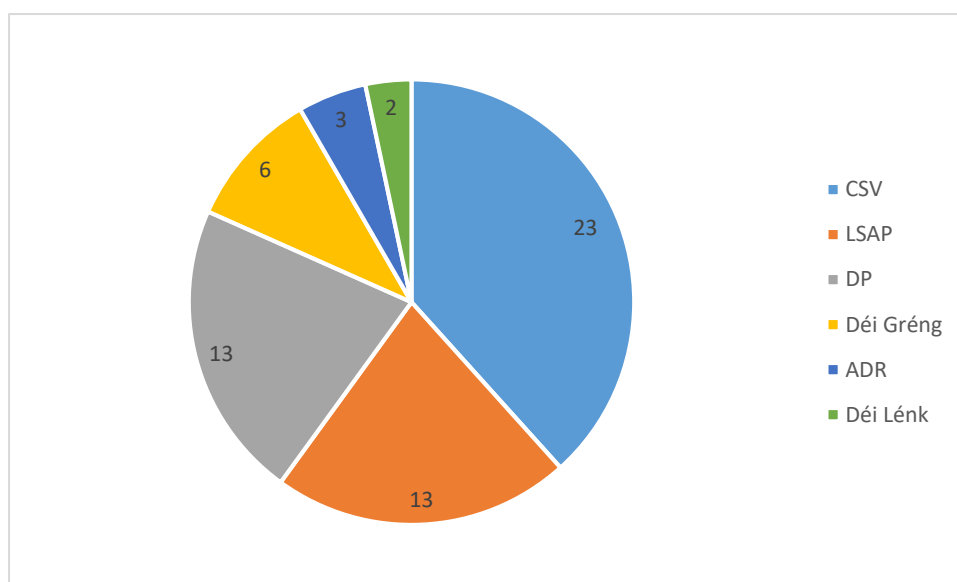
According to Article 51 of the Constitution, parliamentary democracy is Luxembourg's political regime. In this framework, the Chamber of Deputies as a small unicameral parliament represents the Legislative in Luxembourg and is composed of sixty Members of Parliament elected for five years. The election mode is based on the proportional representation list ballot. Overlapping mandates are frequent, which means that most parliamentarians exert also a local mandate in parallel to their national representative functions.

The Chamber of Deputies has four main competences. It exerts legislative functions; it controls the government; it participates in the budgetary procedure and implements EU directives. The legislative functions are subdivided into a right of legislative initiative, shared with the Government, and law-making. The Government can submit bill proposals in the name of the Grand Duke to the Parliament. The Chamber can also submit law proposals, formulated by one or several parliamentarians. EU directives pass first through the Government, which then submits draft implementation laws to the Chamber to be adopted. Government bills and law proposals are examined within parliament by the competent committees and are then transferred to the plenary for a final vote. The government control functions are exerted through different parliamentary instruments: parliamentary questions, motions, resolutions, interpellations, petitions, the right of inquiry against government or the state administration and the right to initiate proceedings against government members. Once per year in October, the Chamber also examines and adopts the state budget once the Government submitted it.

The Chamber is composed of a Bureau chaired by the President of Parliament, three vice-presidents and seven members. The President of the Chamber manages parliamentary sessions, monitors the proceedings during debates, represents the Chamber in public and international relations and plays the role of an honest broker between government and parliament (Article 9 RoP). The Conference of Presidents is composed of the President of Parliament and all presidents of the political groups. It is responsible for organising parliament's work (Article 28 RoP). Parliamentary committees mirror ministerial jurisdictions. In practice, parliamentary committees often outnumber ministerial cabinets, which makes the Luxembourgish Chamber one of the best equipped parliaments in terms of formal legislative monitoring tools (Poirier, 2014). Usually, the committee Chair comes from the same political party as the minister (Spreitzer, In: Heffltler/Neuhold/Rozenberg/Smith, 2015). Functions and the composition of committees are fixed in Chapter 5, Title I of the internal Rules of Procedures. The distribution of committees within parliament aims to decentralise both the scrutiny and the specialisation of legislative matters (Spreitzer, 2014). The Chamber is composed of permanent

committees constituted of minimum five to maximum thirteen parliamentarians. These permanent committees can establish sub-committees. The so-called “regulatory” committees have organisational and administrative tasks<sup>47</sup>. The parliament can also establish special committees and committees of inquiry, which are generally temporary and handle a specific issue. Each parliamentarian belongs to a parliamentary group or “leaning”. Parliamentary groups are composed of minimum five members.

**Figure 2: Composition of the Chamber of Deputies (in total), 2013-2018**



Source: Own calculations<sup>48</sup>.

Groups are represented in parliamentary committees and the Conference of Presidents. Parliamentary “leanings” are composed of less than five parliamentarians. The difference between these two political groupings lies in their resources. Parliamentary groups get more speaking time as well as offices compared to political leanings and independent parliamentarians. The latter do not belong to any of the first two groupings and have fewer financial and personnel resources. In the Chamber of Deputies, there are currently four political groups<sup>49</sup> and two political leanings<sup>50</sup> since 2013. Due to the small size of the Chamber, parliamentarians belong to multiple committees. Their work is supported by the parliamentary administration. Over the last thirty years, the Chamber constantly increased its personnel resources, passing from sixteen parliamentary staff in 1945 to ninety-four civil servants in 2018<sup>51</sup>.

<sup>47</sup> Such as for example the Audit committee, the Committee on Petitions or the Committee on Rules of Procedure.

<sup>48</sup> Based on the data on the parliament’s website

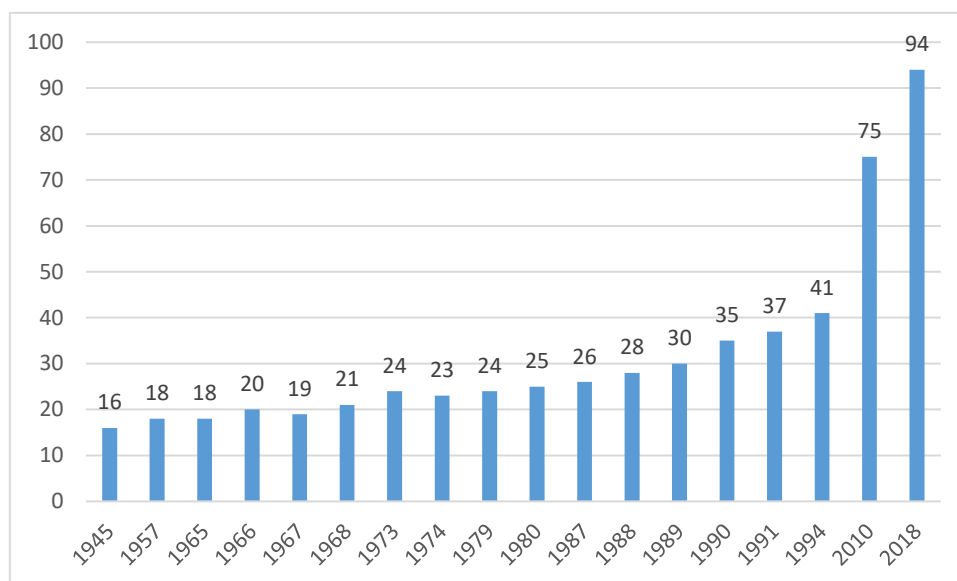
<http://www.chd.lu/wps/portal/public/Accueil/OrganisationEtFonctionnement/Organisation/Deputes/DeputesEnFonction> (last accessed 25.01.2018).

<sup>49</sup> Parliamentary groups of the Democratic Party (DP), the Luxembourg Socialist Workers’ Party (LSAP), the Christian Social People’s Party (CSV) and the Greens (Déi Gréng).

<sup>50</sup> The political leaning « Alternativ Demokratesch Reformpartei » (ADR) and The Left (Déi Lénk).

<sup>51</sup> Own calculations, see parliament’s website <http://www.chd.lu/wps/wcm/connect/public/e4fe3465-fd32-4296-86a4-bb4ca8f81cda/2018+01+24+Divers.pdf?MOD=AJPERES&CVID=m4E-teb&CVID=luQ83zx&CVID=luQ83zx> (last accessed 25.01.2018)

**Figure 3: Evolution of the number of parliamentary staff in the Chamber of Deputies (in total)**



Sources: Nicolas Als, *La chambre des députés, histoire et lieux de travail*, p.446; Own calculations<sup>52</sup>.

The Secretary General nominated for the duration of the legislative period (Article 159 RoP) leads the parliamentary administration. The Secretary General is the Head of the parliamentary administration and is assisted by two Deputy Secretaries-General nominated by the Bureau of the Chamber (Article 160 RoP). Each parliamentary committee has a secretariat. The Department of International Relations deals with international and European affairs, preparing for example international and European parliamentary conferences. Within this Department, the “Cellule Européenne” handles specifically all matters related to EU affairs.

The Chamber of Deputies tends to serve as a springboard for parliamentarians wishing to integrate the Government (Interview 16, 2017). As an intermediary step towards ministerial positions, the Chamber is seen as benefitting from a low attractiveness among politicians. The position of parliamentarians may represent for most MPs a political path by default while awaiting any opportunity to switch to the executive (Interview 16, 2017). This may contribute to the weakening of parliament’s influence on the legislative process, as MPs may not be willing to get fully involved in their work and prefer pursuing electoral goals.

### *5.1.1.3 The Council of State*

The Council of State (“Conseil d’État”) can somehow be considered as Luxembourg’s second chamber because of its veto rights and law monitoring competences (Spreitzer, In:

<sup>52</sup> Based on the data from the parliament’s website <http://www.chd.lu/wps/wcm/connect/public/e4fe3465-fd32-4296-86a4-bb4ca8f81cda/2018+01+24+Divers.pdf?MOD=AJPERES&CVID=m4E-teb&CVID=luQ83zx&CVID=luQ83zx> (last accessed 25.01.2018)

Heffttler/Neuhold/Rozenberg/Smith, 2015). As one of the main actors in the legislative process, it is a consultative body composed of twenty-one councillors of state, controlling the compatibility and constitutionality of laws before their adoption in parliament (Article 83bis Constitution; Schroen, In: Ismayr, 2009). The Council of State has both legislative, regulatory and administrative powers. Compared to the Chamber of Deputies, it possesses more analytical competences thanks to its specialised departments. As a legislative body, it gives its non-binding opinion to pre-legislative drafts initiated by the Government. Its consultation for legislative proposals or draft bills is compulsory. Usually seized by the Government, the Council of State then submits an opinion which has to be taken into account during the examination of the proposals in parliament. If the Council of State has doubts about the constitutionality of the legislative proposal or draft bill, it can express its opposition (the so-called formal opposition, “opposition formelle”). It can also suggest amendments or make a counterproposal (Besch, 2019; Dumont/De Winter, 2006). In case of a negative opinion, changes have to be made by the Government or Parliament. If the Chamber amends a proposal during the parliamentary examination process, the new version has to be submitted again to the Council of State. If required changes are not implemented according to the Council’s opinion, the latter can use its suspensive veto power to block the legislative process for three months. This suspensive veto right aims to establish a sort of second parliamentary chamber on the national level (Besch, 2019). Continuous exchanges, mostly informal, facilitate the coordination between both bodies (Interview 13, 2017). The Council of State also decides if a law, once voted in parliament, requires or not a second parliamentary vote three months later, according to the rules of law making in Luxembourg (Article 59 Constitution). Within its regulatory powers, the Council of State controls the conformity of grand-ducal decisions to superior norms. The Council of State’s opinions are thus essential for the continuation of the legislative process and parliamentary work.

Within the Council of State, EU affairs are handled by several departments and distributed among committees depending on their field (Interview 13, 2017). There are no experts specialised in these matters. The only time the Council of State gets fully involved in EU affairs is whenever the Parliament has to ratify a European treaty. In that case, it proceeds with a legal analysis of the EU and intergovernmental treaties.

#### *5.1.1.4 The “Tripartite” and the role of civil society*

Luxembourg’s political system is characterised by constant interactions between the different actors of the legislative process. The consensus-seeking strategy in the Luxembourgish neocorporatist model translates into continuous dialogue with the civil society, including trade unions and professional chambers. Social partners and professional chambers play a significant role in the sense that they give opinions on law initiatives and can even draft law proposals (Schroen, In: Ismayr, 2009). The Government is particularly supportive of neocorporatist practices, which translate into the voluntary cooperation between different actors in a parliamentary democracy. For the Government, this cooperation permits to secure the legitimacy of its political decisions (Thill/Thomas, 2009). In general, trade unions are closely

connected to political parties. For example, the LSAP has close ties to the workers' trade union OGBL (Onofhängege Gewerkschaftsbond Lëtzebuerg), while the CSV is very close to the employees' trade union LCGB (Christliche Gewerkschaftsbund Luxemburg). Parliamentarians can have functions in trade unions parallel to their national mandates. Some exerted both the function of president of a national trade union and their function as MP (Thill/Thomas, 2009). However, civil society has more frequent exchanges with the Government than with the Chamber of Deputies, notably through the "Tripartite" negotiations.

Tripartism characterises Luxembourg's social model, based on a social dialogue between business sectors, trade unions and political actors. The tripartite coordination committee established in 1978 in reaction to the crisis of the steel industry reflects this neocorporatist logic. It is composed of government members, representatives from professional chambers and trade unions. The "Tripartite" takes the form of informal meetings analysing matters related to employment and competitiveness, where the Government is not obliged to transfer any information about the negotiations to the Chamber of Deputies (Poirier, 2014). Another format of dialogue between the civil society and the Government is the national tripartite conference, which composition is decided by the Government. This conference has no legal basis and is thus not institutionalised. Representatives of the State meet with representatives from the economic sectors. The Government nominates the latter following suggestions from social partners.

Apart from the tripartite formats, other bodies endorse an influencing role on the legislative process. The economic and social council established in 1966 is a permanent consultative body of the Government interacting among others with the latter, the Chamber of Deputies and the Council of State (Poirier et al., In: Poirier, 2014). It accompanies the social dialogue with the above-mentioned involved actors. It examines either on its own initiative or on the Government's request economic and social problems and establishes every year an opinion on the economic, social and financial situation of the country. The Government can decide to consider the opinion for future decisions.

Finally, professional chambers are also involved in the national legislative process and represent essential advisers for both the Government and Parliament. Professional chambers with electoral basis and compulsory affiliation are not anchored in the Constitution (Interview 18, 2017). They were created by law in 1924, which was amended in 2010 for the Business Chamber and in 2011 for the Chamber of Trades (Interview 18, 2017). In Luxembourg, there are five professional chambers that can give their opinion on law proposals, initiate law proposals and submit them to the Government, and can be consulted in the framework of the budgetary procedure (Poirier et al., In: Poirier, 2014). In Luxembourg, there is a general understanding that professional chambers are essential interlocutors of the Government in the decision making process (Interview 18, 2017). Professional chambers as "official lobbyists" defend their members' interests, but negotiate also with the State, i.e. with ministries and public administrations. The relationship between professional chambers and Parliament are less intense than with the Government, but exchanges exist between the first two ones, even though less frequently. For example, opinions of the Business Chamber are systematically included in committee documents. They also appear on the parliament's website. Most exchanges happen

informally, in the form of bilateral meetings between parliamentarians and representatives of the Business Chamber. These meetings are organised ad hoc, usually with the rapporteurs of parliamentary dossiers (Interview 18, 2017). Representatives of professional chambers can also be invited in committee meetings, when their position needs to be heard, but the framework of these interviews remains non-formalised.

Regarding EU matters, some trade unions such as FEDIL<sup>53</sup>, OGBL and LCGB<sup>54</sup> established representation offices in Brussels and Luxembourg. On the Luxembourgish level, the European platform of the UEL coordinates the positions of professional chambers and trade unions (Interview 23, 25.04.2018). The Luxembourgish Business Chamber has a representative in Brussels and is co-founder of Eurochambres, a European Association of European Chambers of commerce and industry established in 1958<sup>55</sup>. While the Chamber of Employees has no representation in Brussels, it cooperates actively with the European Parliament's information office in Luxembourg for the organisation of conferences on EU topics, as well as with the European Secretariat of the OGBL and LCGB. Relationships between the Chamber of Deputies and EU representations of professional chambers and trade union are rare, if not non-existent. However, exchanges exist with Members of the European Parliament, either through the direct transfer of opinions or informal meetings (Interview 23, 2018).

#### *5.1.1.5 Political Parties*

This part aims to present the political parties and the type of relationship between them. Luxembourg has currently ten political parties<sup>56</sup>. Six are represented in parliament and have a sufficient political weight to influence the decision-making process. The Christian-Social People's Party (CSV) was created in 1914 as a party highlighting Christian social values (Schäfer, 2001). The party is close to the trade union LCGB as well as the national newspaper "Das Luxemburger Wort". The Luxembourg Socialist Workers' Party (LSAP) was established in 1903 as the "Sozialdemokratische Partei Luxemburgs" and defended socialist reform policies. It is close to the trade union OGBL and the newspaper "Tageblatt". The DP exists since 1945 but was renamed as such in 1954. The party represents middle to high-class citizens. Déi Gréng was established more recently, in 1983. Before being renamed as such in 1995, the party was split between three movements (Gréng Alternativ Partei GAP, Gréng Lëscht Ekologesch Initiativ GLEI, Gréng Alternativ Allianz GRAL). The party's main objective is the ecological structuring of the economy. Finally, the ADR was created in 1987 as "Aktiounskomitee 5/6 Pensioun fir jiddfereen" and changed its name in 1992 into "Alternativ Demokratesch Reformpartei". The left-wing party Déi Lénk was born as a dissident movement inside the communist party KPL in 1999.

Luxembourg's political system takes the form of moderate pluralism. Moderate pluralism translates into coalition governments, because the number of parties able to govern is

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<sup>53</sup> Fédération Des Industriels Luxembourgeois.

<sup>54</sup> OGBL and LCGB established a common European secretariat: <http://www.secec.lu/> (last accessed 14.06.2019)

<sup>55</sup> <http://www.eurochambres.eu/Content/default.asp?pagename=Home> (last accessed 29.01.2018)

<sup>56</sup> As of January 2018.

usually higher than two. According to Sartori, coalitions are established due to the fact “[...] that no party generally attains the absolute majority, and that it appears irrational to allow the major or dominant party to govern alone when it can be obliged to share its power” (Sartori/Mair et al., 2016, p.158). Coalitions are thus the rule in Luxembourg, generally between the two biggest parties CSV and LSAP. Since 2013, three parties form the governmental coalition (LSAP, Déi Gréng and DP) and represent one of the rare coalitions without the CSV<sup>57</sup>. In Luxembourg, political parties are relatively weak and need mutual support. This is mainly caused by the personalised election system giving more weight to charismatic personalities from different political horizons, as well as the lack of constitutional framework (Dumont/Fehlen/Poirier, In: Lorig, 2008). The vote-splitting system leads to clientelist and corporatist practices without big political conflicts for fear of losing support among the population and the civil society (Gaudron, 2004).

Contrary to other countries, there are no significant inter-party debates, but rather personal strategies. Even though several parties share the power, they remain anchored in a two party logic. Sartori argues that systems of moderate pluralism still follow a bipolar structure. In Luxembourg, competition between parties happens triagonally (Schroen, 1986). However, polarisation between majority and opposition parties remains weak. Sartori concludes that “[...] a system of moderate pluralism is characterised by (i) a relatively small ideological distance among its relevant parties, (ii) a bipolar coalitional configuration, and (iii) centripetal competition” (Sartori/Mair et al., 2016, p.159). Sartori’s definition needs to be adapted to the Luxembourgish case, which is indeed characterised by a small ideological distance between political parties (Dumont/De Winter, 2006), a bipolar or tripolar coalitional configuration, as well as centrifugal and centripetal competition. Centripetal competition concerns the three biggest parties (CSV, LSAP, DP) as well as the left wing parties (Greens, Déi Lénk). All opposition parties (Greens, Déi Lénk, ADR) compete centrifugally with the biggest parties (Schäfer, 2001). The ties between governmental parties and their members in parliament is particularly strong, which might undermine parliamentary autonomy and the rights of opposition parties (Spreitzer et al., In: Poirier, 2014).

Consociationalism in Luxembourg is also reflected in parties’ positions on EU affairs. Opinions of political actors on European integration are relatively similar, with few lines of conflict. Even though some parties are more sceptical towards the EU, there is a wide consensus in the political arena that European integration benefitted Luxembourg as a small country (Spreitzer, In: Hefftlar/Neuhold/Rozenberg/Smith, 2015). EU affairs are part of Luxembourg’s identity and integral part of national interests. On the scale of support for the European Union, the political landscape can be divided in three camps: the pro-integrationists and pro-Europeanists LSAP and CSV; the critical Europhiles DP and Déi Gréng, and the pro-sovereignists ADR and Déi Lénk (Poirier et al., 2006). While pro-integrationist parties are in favour of a federalist European Union in accordance with the subsidiarity principle with strong national parliaments, the ADR defends the idea of a Europe of Nations, emphasising the need to reinforce parliaments’ scrutiny rights. There is no fundamentally Eurosceptic party in

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<sup>57</sup> The CSV’s absence from governmental coalitions happened only once between 1974 and 1979 during the Thorn-Vouel-Berg government of DP and LSAP.

Luxembourg. Opinions on the European integration diverge between the two first and the last camp, but even the last group of parties support European integration, even though in another configuration. The table hereafter (table 10) sums up the main positions of each party on the EU, based on the parties' electoral programmes. The four biggest parties and Déi Lénk support the community method and the idea of a federal EU, even though Déi Lénk insists on the importance of the subsidiarity principle (Interview 14, 2017).

**Table 10: Parties' position on European integration, Luxembourg**

	2004	2009	2013
<b>CSV</b>	<ul style="list-style-type: none"> <li>- federal Europe, community method</li> <li>- supports CSDP</li> <li>- strengthened bilateral cooperation with other MS</li> <li>- equality between small and big countries</li> <li>- supports EU enlargement</li> <li>- subsidiarity principle, EU closer to citizens</li> <li>- political, economic and union</li> <li>- qualified majority voting</li> <li>- strengthening of NPs role</li> </ul>	<ul style="list-style-type: none"> <li>- "European party of Luxembourg",</li> <li>- favours solidarity in Europe</li> <li>- EU closer to citizens</li> <li>- strengthen CSDP</li> </ul>	<ul style="list-style-type: none"> <li>- community method</li> <li>- Widen European competences in fields where MS cannot act</li> <li>- establish Banking Union</li> <li>- supports minimal set of rights for workers on European level</li> <li>- solidarity</li> <li>- stable euro</li> <li>- supports full time presidency of Eurogroup</li> <li>- Merge competences of President of European Council and president of EU COM</li> <li>- strengthen role of NPs</li> <li>- strengthen CSDP</li> <li>- Social Europe</li> </ul>
<b>LSAP</b>	<ul style="list-style-type: none"> <li>- strengthen bilateral cooperation</li> <li>- supports transparent, legitimate EU institutions, one commissioner per country</li> <li>- supports EU enlargement</li> <li>- development of political, economic and social Europe, ecological market economy</li> <li>- supports CSDP</li> <li>- subsidiarity principle, closeness to citizens</li> </ul>	<ul style="list-style-type: none"> <li>- strengthen EU's social dimension</li> <li>- strong and solidary EU</li> <li>- supports EU climate strategy</li> <li>- develop immigration standards in EU</li> <li>- supports CSDP</li> <li>- supports Turkey's accession negotiation</li> <li>- supports coordinated economic policies</li> </ul>	<ul style="list-style-type: none"> <li>- community method</li> <li>- supports solidary and social Union</li> <li>- EU closer to citizens</li> <li>- strengthen EU's democratic accountability through European elections</li> <li>- strengthen role of NPs</li> </ul>
<b>DP</b>	<ul style="list-style-type: none"> <li>- ensure representation of Luxembourg in EU institutions</li> <li>- better coordination of economic and financial policies</li> <li>- supports European social model</li> <li>- supports CSDP</li> </ul>	<ul style="list-style-type: none"> <li>- EU closer to citizens</li> <li>- against nuclear weapons in EU</li> <li>- strengthen EP and NPs,</li> <li>- supports social Union</li> </ul>	<ul style="list-style-type: none"> <li>- community method</li> <li>- clarify competence distribution between MS and EU</li> <li>- strengthen role of NPs</li> <li>- equality between MS in decision making</li> </ul>
<b>Déi Gréng</b>	<ul style="list-style-type: none"> <li>- favours social Europe, strengthening of right to strike on EU level and trade unions' closeness to citizens</li> <li>- environmental friendly: sustainability should be strengthened in policymaking process</li> <li>- rejects nuclear energy</li> <li>- coordination of employment policies</li> <li>- favours EU enlargement</li> <li>- favours CSDP, but focus on peace keeping operations</li> <li>- ensure appropriate representation of Luxembourg in EU institutions</li> <li>- strengthen participation rights of CHD in EU affairs</li> </ul>	<ul style="list-style-type: none"> <li>- favours qualified majority voting in CSDP and codecision power of EP</li> <li>- continue fight against climate change on EU level</li> <li>- rejects EURATOM</li> <li>- promotes renewable energies</li> <li>- favours social protocol on EU level protecting social and labour rights from liberalisation trends</li> <li>- favours CAP reform to ensure animal and environment protection</li> <li>- favours active EU migration policy</li> <li>- increase publicity of EU affairs on national level</li> </ul>	<ul style="list-style-type: none"> <li>- favours deepening of political and democratic Union</li> <li>- consolidate European institutions by enhancing community method</li> <li>- favours tax on financial transactions and banking union</li> <li>- deepen social union by establishing minimal social norms</li> <li>- strengthen parliamentary control over EU affairs: permanent EAC, increase personnel in charge of EU affairs, forbid double mandates on national and local level, increase transparency</li> </ul>



<b>ADR</b>	<ul style="list-style-type: none"> <li>- In election programme: mention only strengthening of ex ante participation rights of NPs</li> <li>- Party Manifesto 2006: in favour of state sovereignty, Europe of Nations</li> <li>- favours subsidiarity principle</li> <li>- strengthen ex ante participation rights of NPs</li> <li>- favours CSDP</li> </ul>	<ul style="list-style-type: none"> <li>- supports Europe of nations</li> <li>- favours CSDP and European integration</li> <li>- rejects Turkey's accession to the EU</li> <li>- favours renationalisation of specific competences</li> <li>- favours subsidiarity principle</li> </ul>	<ul style="list-style-type: none"> <li>- favours CSDP</li> <li>- favours European integration, but against federalism and welcomes intergovernmentalism</li> <li>- favours referendum on EU accessions</li> <li>- rejects Turkey's accession to the EU</li> <li>- strengthen border control</li> <li>- favours European social dimension</li> <li>- rejects increase of EU budget</li> <li>- eurozone should be reserved to MS with solid financial situation</li> </ul>
<b>Déi Lénk</b> /		<ul style="list-style-type: none"> <li>- ECB should be put under political control</li> <li>- supports sustainable development on EU level</li> <li>- rejects FRONTEX participation</li> <li>- rejects CSDP and favours civilian missions/peace keeping</li> <li>- strengthen role of NPs in EU decision making process instead of EP</li> <li>- EUCOM should be elected democratically</li> <li>- rejects lisbon treaty</li> <li>- EU should guarantee social justice</li> </ul>	<ul style="list-style-type: none"> <li>- favours minimal European social standards</li> <li>- need to regulate financial markets</li> <li>- need to rethink the organisation of the EU</li> <li>- increase citizen participation in EU decision making</li> </ul>

Sources: Political programmes, CSV Wahlprogramm 2004; CSV Wahlprogramm 2009; CSV Wahlprogramm 2013; LSAP - Am Mëttelpunkt vum Liewen, Parlamentswahlen 2004, Wahlprogramm der LSAP; De roude Fuedem, LSAP-Wahlprogramm 2009; LSAP-WAHLPROGRAMM 2013 LOSCHT OP MUER !; Zesummen no vir- De Programm vun der Demokratescher Partei fir d'Walen vum 13. Juni 2004; DP, Nei Weeër wielen, Wahlprogramm 2009; DP, Besser léisung fir eist land, Wahlprogramm 2013; Déi Gréng, NEIT KAPITAL FIR LËTZEBUERG - PROGRAMME ELECTORAL 2004; Déi Gréng, Ecologie- Economie-Edukatioun, Programme électoral 2009; Déi Gréng, Programme 2013, Plus Vert. Plus Responsable; ADR Wahlprogramm 2004; Grundsatzprogramm der ADR, 02.04.2006; ADR, Chamberwalprogramm 2009; ADR, Chamberwahlen 2013, Wahlprogramm; Déi Lénk, PROGRAMME POUR LES ELECTIONS LEGISLATIVES ET EUROPEENNES DU 7 JUIN 2009; Déi Lénk, Programme électoral 2013, Déi Lénk. Maintenant.

### 5.1.2 The legislative process: rules and procedures

Mechanisms of the legislative process will be presented in this section, before exposing how EU affairs are perceived and handled on the national level. The position of the Chamber of Deputies in the decision-making process tends to be weakened because of resource disadvantages compared to the government. The latter plays a powerful role in initiating and determining the direction of the legislative process. Considering these elements derived from the general institutional framework, we will explain how EU affairs are being dealt in Luxembourg. These two sections will deal with the general mechanisms of the legislative process, both for domestic and European affairs.

#### 5.1.2.1 The legislative process step by step

The legislative process starts with a legislative initiative, either from the Government in the name of the Grand Duke in form of a draft bill, or from the Parliament in form of a law

proposal (Dumont/De Winter, 2006). Furthermore, the Council of State also participates actively as the only consultative organ anchored in the Constitution (Besch, 2019). In case of a draft bill (“projet de loi”) initiated by the Grand-Duke, it is first formulated in ministerial departments and then approved by the Government during the Government Council meeting, depending on the opinion submitted by the Council of State. After the approval in the Government Council, the competent minister decides when to consult the professional chambers concerned by the draft bill as well as the Council of State (Besch, 2019). The minister has also to request the Grand-Duke’s approval to submit the draft bill to the Chamber of Deputies. The referral to the Council of State should happen the latest concomitantly to the deposit of the draft bill to the Chamber of Deputies. As the Grand-Duke has the sole competency to submit draft bills to the Chamber of Deputies, the competent minister has to prepare a Grand-Ducal decision authorising the minister to submit the bill in the Grand-Duke’s name (Besch, 2019). Once the Ministry of State approved the Grand-Ducal decision, the competent minister can introduce the bill to the Chamber of Deputies. The draft bill enters parliament with all attached documents, among others the consultative reports of the Council of State and the professional chambers. The parliament’s Conference of Presidents, composed of the Chamber’s President and the heads of the political groups, sends the draft to the competent parliamentary committee. In case of a law proposal (“proposition de loi”), one or more MPs have a right of initiative. The law proposal is submitted either to the President of the Chamber or the parliamentary administration during a plenary session. The Conference of presidents decides about its admissibility and transfers it to the competent parliamentary committees. The President of the Chamber transfers the law proposal to the Government and the President of the Council of State. The Government then seizes the professional chambers for an opinion.

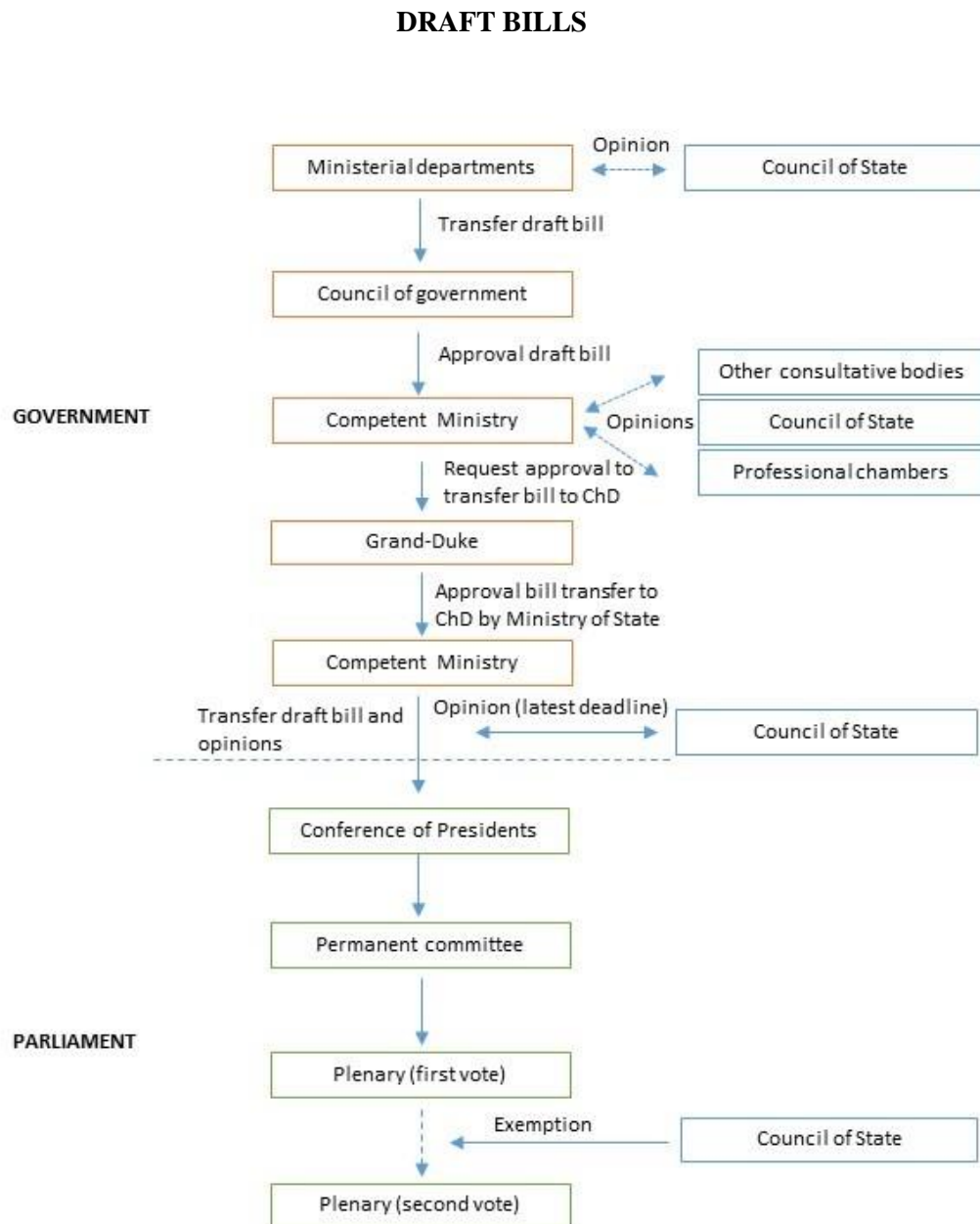
Even though the opinions of the Council of State are not binding, they can suspend the legislative process for three months. Within the Council of State, opinions are established during committee meetings and under the responsibility of a rapporteur. After the opinion has been voted in plenary, it is transferred via the Central Directorate for Legislation (“Service central de législation”) to the President of the Chamber of Deputies. At this stage, contacts between the Chamber and the Council of State are direct and bilateral (Interview 12, 2017). During the preparation of the opinion, civil servants from the Council of State maintain regular contacts with the civil servants from the parliamentary administration. Less frequently, meetings are organised between civil servants from the Council of State (its committees) and parliamentary committees working on a specific dossier. These exchanges happen mostly informally (Interview 12, 2017). Only opinions are public and accessible on the websites of the Council of State and the Chamber of Deputies. Each opinion assesses the general framework of a law proposal or draft bill, examines the articles and contains legislative observations (Interview 12, 2017).

After the Council of State and professional chambers submitted their opinion on the law proposal, it is sent back to the Conference of presidents, which then forwards it to the competent committee. At this stage of the procedure, amendments to the proposal or the draft bill are possible during discussions in the committee. A rapporteur is responsible to draft a report on the proposal, which is adopted by the committee and presented in the plenary. The Parliament votes during the plenary session on the law proposal or draft bill. During a plenary session,

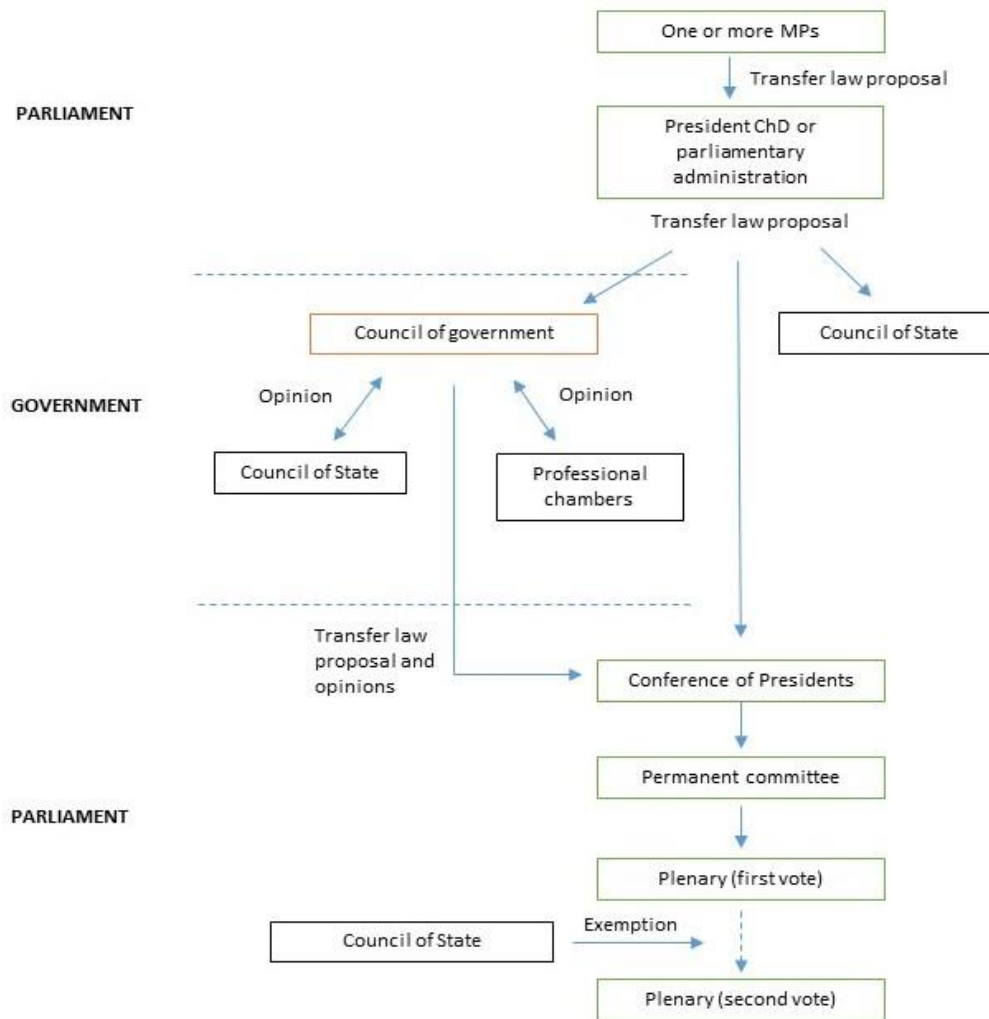
parliamentarians can use different instruments to hold the Government accountable: written or oral (urgent) questions, question times, topical debates, interpellations, resolutions or motions (Poirier, In: Poirier, 2014). Interpellations are individual requests formulated by parliamentarians to government members to put a matter on the agenda of a plenary session. Motions are adopted by parliament and destined for the government to draw its attention on the necessity to take initiatives or adopt a specific position. Resolutions are adopted by parliament and destined for itself, exposing its willingness to take a decision or position.

The specificity of Luxembourg is the procedure of the second parliamentary vote, which has to take place three months after the first vote (Article 59 Constitution). Parliament can be exempted from the second vote if it agrees with the Council of State that it is not needed. The opinion of the Council of State is here mandatory, which confers it strong veto powers. According to Marc Besch, “[the] competency to grant an exemption of a second constitutional vote, attributed by the constituent to the Council of State to exert a second legislative assembly’s moderating influence on the Luxembourg unicameral system, is independent from its consultative mission” (Besch, 2019, p.274). The decision to proceed with a second constitutional vote belongs to the Chamber of Deputies. If parliament decides to discard a second vote, it transfers the adopted law proposal to the Council of State. The latter discusses the exemption during a plenary within the three weeks following the transfer of the adopted law proposal. However, second votes are relatively rare in practice, which means that both bodies usually agree on the exemption. Finally, the Grand-Duke needs to promulgate the law within the three months following the vote in the Chamber of Deputies.

**Figure 4: Legislative process in Luxembourg (draft bills and law proposals)**



## LAW PROPOSALS



In Luxembourg, the government keeps a hand on the different stages of the legislative process (Dumont/De Winter, 2006; Interviews 3 and 11, 2017). Parliamentary initiatives are rather limited (Dumont/Spreitzer, In: Brouard/Costa/König, 2012; Schroen, In: Ismayr, 2009). The main reasons explaining the Chamber's limited pro-active role in the decision-making process are the lack of sufficient parliamentary resources in terms of personnel, expertise, documentation and financial means. Governmental draft bills have usually priority within parliament and the Council of State (Dumont/Spreitzer, In: Brouard/Costa/König, 2012). Majority MPs can block initiatives from the opposition through their influence on the committee agenda or by voting against the proposal (Dumont/De Winter, 2006). In general, unbalanced information exchange between the Government and the Chamber gives the first more leeway in negotiations, be it on the national or European level. As the parliament is aware of its power disadvantage, it may be less inclined to oppose the government's positions (Interview 3, 2017). Coalition parties benefit from the resources of the ministries and tend to follow governmental positions to ensure the coherence of their political line. Resource disadvantage and party

political strategies may then also affect the way EU affairs are being handled on the national level.

#### *5.1.2.2 The handling of EU affairs on the national level*

The Luxembourgish Constitution lays the foundation of the country's participation in international treaties and specifically in European treaties (Articles 37 and 49b). The Grand Duke signs the treaties. European treaties have to be implemented in national law, either on the initiative of the Grand Duke or the Government. At governmental level, the Ministry for Foreign and European Affairs is the main interlocutor in charge of European affairs, together with the Prime Minister. The latter also endorses the role of Minister for European Affairs because of the significance of EU politics for the country (Interview 16, 2017). Due to the transversality of European matters, technical ministries are also involved in the examination process of EU dossiers. The department of international economic relations and European affairs within the Ministry for Foreign and European Affairs coordinates the European policies of the ministerial departments, ensures the coordination of European law implementation on the national level, prepares the annual report on the government's European policy and the annual report on the implementation of directives for the Chamber of Deputies.

The handling of EU affairs happens in two ways: either "upstream" or "downstream" (Dumont/Spreitzer, In: Brouard/Costa/König, 2012). During the "upstream" process, technical ministries analyse EU documents on their own initiative depending on Luxembourg's current interests. They draft comments on the documents and send their observations to the Permanent Representation of Luxembourg in Brussels. In case of diverging opinions between the Permanent Representation and the technical ministries, debates take place in the inter-ministerial committee for European policy (CIPCE). The CIPCE is chaired by the department of international economic relations and European affairs and groups ministerial high officials concerned with European affairs and Luxembourg's permanent representative or deputy permanent representative. The objective of the CIPCE's meetings is to coordinate the Luxembourgish position on EU matters and to follow-up the implementation of directives on the national level. During the "downstream" process, technical ministries analyse the consequences of adopted EU directives on the national level. They suggest implementation instruments to the Ministry for Foreign and European Affairs. The draft legal implementation text is then submitted to the Council of Government. After governmental deliberations on EU documents and concomitantly to the deposit of law proposals at the Chamber, the Council of State is seized to give its opinion on the European legislative acts or treaties. Professional chambers can also become active during this phase, basing their action either on their European network or on EU representations to obtain the needed information. After deliberation in the Council of Government, based on the opinion of the Council of State, the Parliament receives the draft law implementing the directive or European treaty.

The handling of EU affairs in Luxembourg is, like the general legislative process, slowed down by a continuous lack of administrative resources, be it on the ministerial or parliamentary side (Dumont/Spreitzer, In: Brouard/Costa/König, 2012). Luxembourg has a chronic problem with the implementation of directives. Coalition MPs usually benefit from

more information on EU affairs, thanks to the political proximity with the Minister for Foreign and European Affairs. The latter is backed by an extensive network of embassies and facilitates contacts to the Permanent Representation in Brussels (Interview 16, 2017).

### *5.1.3 Conclusions*

The presentation of the main actors of the legislative process gave a general overview of their competences, roles and relationship between each other. The small size of the country and its political system is the most significant factor explaining the proximity between political actors and the civil society (Interview 16, 2017; Gaudron, 2004). This proximity is especially visible between the Government and the civil society, as well as between Government and Parliament through political parties. The latter exert a particular influence on the way Parliament participates in the decision-making. Most contacts, be they among national institutions or with the civil society, are informal and bilateral. For example, the Council of State has almost no direct contact with the Chamber of Deputies, despite its important role as veto player and guardian of the constitutionality of laws. Professional chambers maintain infrequent and non-institutionalised contact with the Parliament. The lack of coordination between institutions may result in divergent positions and confusion in the decision-making process. Consensual practices between the Government and the Chamber prevail at every steps of the legislative process, but can lead to the undermining of parliament's power due to a lack of conflictual culture. The triangle of institutions influencing decision-making is composed of the Government, the Chamber of Deputies and the Council of State. Opinions from other bodies (professional chambers, social partners) are usually non-binding. The legislative process in Luxembourg tends to be dominated by the executive, which might explain why some matters are being granted with more importance than others in parliament. Despite the large pro-European consensus among political actors in Luxembourg, the handling of EU affairs in government and parliament is exposed to the same problems as domestic matters.

## *5.2 Parliamentary participation rights in EU affairs: current status quo*

After having exposed the general institutional framework and the way EU affairs are being handled on the national level, this section aims to enter into details about the current scrutiny infrastructure and procedures in the Chamber of Deputies with regard to EU affairs. The aim of this section is to provide first answers to the hypothesis H2. Indeed, we assume that the Chamber's small size facilitates the scrutiny of EU affairs and thus a larger involvement of MPs in these matters. By analysing only the formal capacities in this section, we seek to determine to what extent the parliament's procedures and infrastructures represent opportunities or constraints for the mainstreaming of EU affairs among parliamentarians. The Chamber of Deputies improved its scrutiny procedure in EU affairs over the last two decades. Since 2009, a memorandum between the Parliament and the Government regulates their cooperation on EU politics. Scrutiny within the Chamber is document-based, which means that it focuses mainly on the examination of EU documents rather than mandating the Government. Decentralisation



of EU affairs towards permanent committees permits to involve the whole Parliament, depending on the topic on the agenda. Dedicated personnel in the parliamentary administration and parliamentary groups support MPs' EU activities. The data used to outline Parliament's formal capacities are interviews with MPs, civil servants and parliamentary group collaborators, as well as parliamentary documents (minutes of committee meetings and plenary sessions) and secondary literature.

### *5.2.1 The legal basis of parliamentary participation in EU affairs*

The Luxembourgish Constitution barely evokes EU affairs and the role of the Chamber of Deputies (Spreitzer, 2014). The only articles indirectly mentioning European treaties, without referring to the Parliament, are article 37 and 49b Constitution, specifying that the Grand Duke signs international treaties, which have to be implemented into national law after ratification of the parliament. Parliamentary scrutiny of EU affairs thus bases entirely on the Chamber's internal Rules of Procedure. The latter has been amended several times since 2003 to include European affairs in parliamentary work. A new chapter on "European Affairs" was added in 2003 with additional information rights (Poirier, In: Poirier, 2014).

In 2009, a memorandum on the cooperation between the Chamber of Deputies and the government on EU affairs was added to the Rules of Procedure<sup>58</sup>. The memorandum sets the information exchange between Parliament and Government on EU affairs. The Government commits itself to inform the Chamber of Deputies on a regular basis and at the earliest possible stage on current questions and evolutions on the European level<sup>59</sup>, as well as on all issues that concern directly Luxembourg's interests. Information can be communicated orally or in written form, in which case it takes the form of "explanatory notes" outlining the potential impact of a European draft legislative act on Luxembourg. The memorandum foresees that parliamentary committees can invite government members to expose their position on specific EU matters, notably before meetings in the European Council or the Council of Ministers<sup>60</sup>. The Government should transfer every EU document to the Parliament at the earliest possible stage and encourage exchanges and cooperation between European institutions, government members and parliamentary committees<sup>61</sup>. During the information exchange, the memorandum specifies that enough time has to be given to the Chamber to transfer its position on EU matters to the Government<sup>62</sup>.

In the case of the subsidiarity monitoring, the Parliament should inform the Government of any initiatives taken in this framework (reasoned opinion). The Chamber can ask the Government to provide additional information on the impact of legislative acts on

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<sup>58</sup> « Aide-mémoire sur la coopération entre la Chambre des Députés et le Gouvernement du Grand-Duché de Luxembourg en matière de politique européenne », Appendix 3, RoP (2014).

<sup>59</sup> « Aide-mémoire sur la coopération entre la Chambre des Députés et le Gouvernement du Grand-Duché de Luxembourg en matière de politique européenne », Title I§2 and 3.

<sup>60</sup> « Aide-mémoire sur la coopération entre la Chambre des Députés et le Gouvernement du Grand-Duché de Luxembourg en matière de politique européenne », Title I§4 and 5.

<sup>61</sup> Ibid., Title I§6 and 7.

<sup>62</sup> Ibid., Title II§1 and 2.



Luxembourgish legislation<sup>63</sup>. Once per year, the Government should present an annual report to the Chamber of Deputies on its European activities as well as on the implementation of EU directives in national law<sup>64</sup>. Finally, the Government and Parliament agreed that the former should inform the Chamber about any upcoming intergovernmental conference on EU treaty reforms or accession treaties and communicate its position without undue delay<sup>65</sup>. The memorandum constitutes a substantial effort made both by the Government and the Parliament to increase the latter's formal participation rights in EU affairs.

The entry into force of the Lisbon treaty encouraged new amendments to the Chamber's Rules of Procedure in 2010 to include the procedure on the subsidiarity monitoring. Before the amendments made in the course of the last years, the formal information level, consultation and participation rights of the Chamber were relatively weak (Poirier, In: Poirier, 2014). However, despite these changes, scrutiny procedures in Parliament remain scarcely institutionalised. Participation rights in EU affairs have not been specified and depend more on everyday practice than on institutionalised written rules (Bossaert, In: Maurer/Wessels, 2001). The unique article 168 of Chapter 15 named "European Affairs" revised in 2010 mentions the memorandum signed between the Parliament and the Government and merely regulates the procedure of reasoned opinions in the framework of the subsidiarity monitoring<sup>66</sup>. The decentralisation of EU affairs applies primarily to matters touching upon the subsidiarity principle, because of their specificity. Each parliamentary committee can decide to submit a reasoned opinion within the four weeks following the transfer of an EU legislative draft falling into their competence. If a committee concludes that a draft legislative act violates the subsidiarity principle, a draft resolution is submitted to the Parliament during a plenary session and adopted without debate (Article 168§5 RoP). The same procedure is applied to political opinions in the framework of the political dialogue with the European Commission (Article 168§7 RoP). In case the reasoned opinion has not been taken into account, the Chamber can lodge an appeal to the European Court of Justice against the draft legislative act (Article 168§6 RoP).

In terms of formal scrutiny procedures, most current and former parliamentarians agree that the Chamber's EU competences need to be strengthened (Interviews 2, 3 and 14, 2017). Evolution potential exists, but reforms remain mostly at the stage of ideas and are not effectively implemented (Interview 10, 2017). Amendments to the Rules of Procedure were not very frequent and the scope of change remains limited, especially since the Treaty of Lisbon. Procedures have not fundamentally changed or transformed the working practices of the Chamber in EU affairs (Interview 6, 2017). In March 2009, the Committee on Institutions and Constitutional Review examined a draft proposal submitted by the ADR parliamentary group, requesting the introduction of a chapter on EU affairs in the national Constitution<sup>67</sup>. However, this initiative was dropped from the parliamentary agenda in November 2009. Apart from minor amendments to the Rules of Procedure in 2010, the establishment of the European Semester in

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<sup>63</sup> Ibid., Title III§2 and 3.

<sup>64</sup> Ibid., Title IV.

<sup>65</sup> Ibid., Title V.

<sup>66</sup> Article 168 RoP (2014), Paragraphs 5, 6 and 7.

<sup>67</sup> A-CHD-P-2009-IR-10 ; 18.03.2009, « Projet de proposition de révision de la Constitution visant à introduire un Chapitre XII De l'Union Européenne ».

2014 represented the last episode of reflexion in Parliament about reforms of the internal Rules of Procedure (Interview 6, 2017).

### *5.2.2 Parliamentary administration and EU affairs: composition and tasks*

The Chamber of Deputies attributed more and more competences and personnel to its administration to deal with EU politics. The European Unit “Cellule Européenne” was created in 2006 within the International Relations Department as part of the Chamber’s “European strategy”. The International Relations Department is composed of nine to ten civil servants, six of which belong to the “Cellule Européenne” (Interview 1, 2017). However, in practice, only three staff deal regularly with EU affairs. Due to the small size of the structures dealing with EU affairs, civil servants tend to have generalist profiles and their expertise is thus limited (Spreitzer, In: Hefftlar/Neuhold/Rozenberg/Smith, 2015; Interview 1, 2017). Interviewees from the European Unit all have a study background close to their current functions. They studied either International Relations, Political Science or Law. The low number of personnel in the administrative structures forced them to move from one position to the other, sometimes occupying positions with no link to their current or former ones. While one civil servant had a long-lasting career in several administrative departments without direct link to EU affairs, switching from the department managing the plenary sessions to the International Relations Department, most had experiences in structures dealing more or less with EU politics. Some worked in the Secretariat of the Committee on Foreign and European Affairs, Defence, Cooperation and Migration (EAC), others worked for the COSAC secretariat, the Parliament’s representation in Brussels and the Benelux parliament. Prior to their position in parliament, some civil servants also exerted functions in International Organisations or trade union representations in Brussels. In general, the staff from the European Unit has extensive professional experience and a long-term interest in European matters. Their diversified experience within the parliamentary administration provided them with a generalist profile and a deeper knowledge of the Chamber’s functioning. Their flexibility is thus also a factor explaining the absence of specialisation. With regard to EU affairs, civil servants can benefit from trainings if their technical knowledge needs to be improved (Interview 1, 2017).

The European Unit’s main task consists in selecting and classifying incoming EU documents to redistribute them to parliamentary committees. The European Commission transfers directly all EU documents (legislative proposals, Green and White books) to the European Unit of the Chamber through an email address common to its staff. In the Chamber of Deputies, the selection is made through a programme. In 2008, the parliamentary administration developed its IT programme to optimise the management of EU documents and their selection. The system is still in continuous evolution. The establishment of tables grouping all incoming EU documents first started on paper when the European Commission decided to fine Member States for their delays in the implementation of EU directives (Interview 1, 2017). Changes in the selection system happened also after 2006 in the framework of the Chamber’s “European Strategy” and accelerated with the Treaty of Lisbon and the attached protocols on national parliaments. The first established procedure consisted in sending letters to the

Government six months before the implementation deadline, to draw the attention on the need to submit a draft implementation law. The IT programme was created to ensure a follow-up of these matters. The programme facilitates the classification of EU documents according to their type and level of emergency. It contains information on the uploaded documents, the follow-up of the transfer process, the analyses made by the committees, the guests invited in committees and finally the follow-up of implementations. A person in the European Unit is responsible for the management of the table and the programme. EU documents are classified into A and B documents depending on their significance for the parliament or Luxembourg.

The table in electronic format is updated and uploaded every week on the Parliament's website. "A" documents are those without special political, economic, financial or legislative importance, such as documents transferred in the framework of the subsidiarity control and the political dialogue (Interview 13, 2017). "B" documents are those relevant for Luxembourg and necessitating further examination. Only B documents are considered for the elaboration of reasoned opinions in the framework of the subsidiarity monitoring. The European Unit also makes suggestions on which parliamentary committee might be concerned with the EU documents. Once the selection is established, the table is transferred to the EAC, which can rearrange it according to its own political interests. Every Monday morning, the EAC amends and adopts the table during its meeting. The civil servant responsible for the secretariat of the EAC is responsible for the transfer of the table to the committee. The secretary participates in the meetings of the EAC and informs the rest of the International Relations Department about the committee's opinion on the table (Interview 1, 2017). Once the table is adopted, the civil servants from the European Unit send appeal letters ("lettres de renvoi") to each sectoral committee, signed by the President of the Chamber. Once the committee receives the letter, it is free to analyse the matter or not. It might then happen that documents classified as A documents are perceived as politically more significant for MPs.

The transversality of EU matters renders the classification of documents and the attribution of competences difficult. Indeed, for a same issue, several parliamentary committees might be concerned. The final decision thus belongs to MPs, who can change the suggestions in the table. Sometimes, a sectoral committee can also decide to transfer the received EU document to another committee, if it considers that the matter does not fit its competences. The staff from the European Unit also supports the work of sectoral committees when EU issues fall into their competences by providing them with summaries. The support of the European Unit is particularly needed in the framework of the subsidiarity monitoring, when sectoral committees handle matters falling in their respective competences. One civil servant in the European Unit is also IPEX correspondent and member of the IPEX board. The IPEX correspondent is responsible for the upload of opinions adopted by the whole chamber on the IPEX website. Any information on the intention of a parliamentary committee to issue a reasoned opinion is also submitted on the IPEX website, so that national parliaments get informed about the Chamber's intention and can coordinate their actions (Interview 1, 2017).

In the framework of their daily tasks, staff from the European Unit and the parliamentary administration in general have very few contacts to the staff from ministries. Eventual contacts happen via exchanges of email if information is needed on a dossier, but no common meetings

are scheduled (Interview 1, 2017). The same applies to professional chambers, where no direct contact exists. At some point, the European Unit was sending the tables with EU documents to the professional chambers, but stopped it when they started to be published on the Parliament's website. However, in case a parliamentary committee issued a reasoned opinion, the European Unit transfers it via email to the professional chambers. Moreover, whenever a professional chamber wishes to submit an opinion to the Chamber, it passes directly through the committees and not the parliamentary administration (Interview 1, 2017).

Other tasks of the European Unit consist in preparing delegation trips to interparliamentary conferences. While the logistics of such delegations are organised by the Service of Protocol, the political preparation remains in the hands of the International Relations Department. Civil servants prepare files for MPs containing briefings, notes and press articles. Each staff from the European Unit follows several delegations due to the small size of the structure and the lack of personnel (Interview 5, 2017). On the European level, the Chamber established a temporary representation in Brussels in 2004 in the framework of Luxembourg's EU Presidency. The position became permanent in 2006 when several other national parliaments decided to create such a function. As an intermediary between the Chamber and European institutions, the parliamentary representative in Brussels participates in the European Parliament's committee meetings depending on the topics on the agenda and their salience for Luxembourg. Every three or four weeks, the representative sends a Brussels report ("Bulletin de Bruxelles") to the parliamentary administration, MPs and group collaborators in charge of EU affairs, summing up the current issues on the European level. On an everyday basis, the representative is constantly in touch with the civil servants from the European Unit and follows the work of the EAC and other sectoral committees. The parliamentary representative maintains also close contacts to representations from other national parliaments. This is facilitated by the fact that all offices of the parliamentary representations are situated within the premises of the European Parliament. Every Monday, institutionalised meetings called "Monday Morning Meetings" are scheduled between parliamentary representatives to exchange on current topics and coordinate their position.

### *5.2.3 Parliamentary group staff: composition and tasks*

Apart from the International Relations Department, parliamentary groups also provide administrative support to MPs' parliamentary work with regard to EU affairs. In the Chamber of Deputies, administrative support is not attributed to individual MPs in the form of personal assistants. Instead, each parliamentary group or leaning possesses pools of group collaborators. Staff fluctuation in parliamentary groups is relatively high (Interview 16, 2017). Collaborators do not stay long and use their temporary position as a springboard for other employment opportunities, be it in legal affairs or politics. The constant renewal of staff also means that they cannot acquire a thorough knowledge and specialisation on specific issues. The parliament allocates a certain budget to parliamentary groups according to their size. They decide about the distribution of tasks among the collaborators. Within the biggest parliamentary groups such as the CSV or LSAP, budget is allocated to a collaborator responsible for EU affairs. The small

size of opposition parties does not allow them to engage a person specifically focused on these matters. The ADR and the Greens do not have enough personnel resources to assign such functions to their collaborators. EU affairs are mainly handled by the collaborators in charge of EU affairs, but are also redistributed to other group collaborators in case the matters fall into their field of competences. All MPs from the same parliamentary group benefit from the technical competences of collaborators. Each parliamentary group designates an EU speaker among the MPs, who is the main interlocutor of collaborators in charge of EU affairs. Sectoral committee members can also request information at any time, for example during parliamentary group meetings. Group collaborators working on EU dossiers tend to have professional and personal experiences linked to EU affairs. For example, one collaborator was journalist in a national newspaper prior to the position in the parliamentary group. The tasks as journalist already consisted in writing on foreign and European affairs (Interview 16, 2017). Another collaborator studied European studies and did an internship as Blue Book trainee at the General Secretariat of the European Commission (Interview 13, 2017).

Each collaborator is assigned to follow the work of one or several parliamentary committees depending on the topics they deal with. Collaborators dealing with EU affairs examine matters that touch upon the EAC's competences. They receive the EU bulletins sent by the parliamentary representative in Brussels, as well as the tables containing the EU documents from the parliamentary administration. Collaborators support MPs with research tasks on law proposals and get the necessary information for the elaboration of discourses. MPs from sectoral committees can also ask EU group collaborators for advice, for example on the role or impact of EU issues on their policies. Collaborators can make summaries or analyses of current topical debates on the European level or of European draft legislative acts from the European Commission and the European Parliament. They provide also observations on the political news in other countries. EU group collaborators are also responsible to organise press conferences on European politics. The preparation of such press conferences led by MPs implies to anticipate questions and answers, which makes communication one of their essential tasks. Collaborators in charge of EU affairs do not participate frequently in interparliamentary conferences, leaving this task to MPs and civil servants from the International Relations Department.

The crosscutting nature of EU issues and their generalist profile forces group collaborators in charge of EU politics to coordinate with their colleagues from the same parliamentary group to obtain specialised information on policy fields impacted by the European level. The role of EU group collaborators is thus to draw their colleagues' attention on EU dossiers that might affect their policy field and be of importance for Luxembourg and the party (Interview 16, 2017). Due to the small number of staff and the fact that EU affairs concern multiple domestic policies, collaborators do not have time to enter into details. They need to make a selection of the topics that they will examine according to their political significance. Whenever they find a topic of interest for the party, collaborators can suggest it to the MP endorsing the role of EU affairs Speaker in the group. The topics can then be discussed in a working group dedicated to EU affairs with other party members, ministers from the same party or experts from ministries. Exchanges are also quite frequent with MEPs' collaborators. Their office within the parliamentary group ensures proximity to and a constant dialogue with

MEPs. Due to the limited administrative resources on the national level, MPs from the biggest parties benefitting from a presence on the European level take advantage of their MEPs' resources to obtain information.

Access to European information also depends on each collaborator's personal network, as well as the position of the party in the national political landscape. Collaborators from a parliamentary group belonging to the majority tend to have an easier access to information and privileged contact to ministers from the governmental coalition (Interview 13, 2017). Exchanges with civil servants from ministerial departments tend to be facilitated. Collaborators in the CSV parliamentary group, even though currently in the opposition, benefit additionally from privileged contacts with the President of the European Commission, Jean-Claude Juncker, and his administrative and political resources. The President of the European Commission kept his membership in the CSV party in Luxembourg and still participated in meetings within the parliamentary group (Interview 16, 2017). The CSV collaborator in charge of EU affairs even has personal and informal contacts with Juncker and his cabinet in the European Commission. This relationship facilitates early and privileged ex-ante information exchange on EU issues. The collaborator also maintains direct contact with other European Commissioners. Within Parliament, contacts between collaborators from different parliamentary groups are however non-existent. The International Relations Department within the parliamentary administration is the main interlocutor of group collaborators in charge of EU dossiers, whether they need informal or official information. However, meetings between them are infrequent. Only if the EAC Chair, who belongs to the LSAP parliamentary group, decides to organise a work meeting with the committee staff will there be an opportunity for the collaborator belonging to the same parliamentary group as the Chair to participate in the meeting (Interview 13, 2017). Collaborators from other parliamentary groups are not allowed to join.

On top of the administrative support, MPs also benefit from a discussion format within their party that enables exchanges on EU topics. The contact between MPs and MEPs from the same party is more frequent within the parliamentary group than within Parliament. Collaboration serves to establish coordinated and common positions on EU policies. Within each group, MPs and MEPs meet every week to discuss their work and to find consensual positions. Exchanges of views happen in a different format outside of parliament. The objective of these regular meetings is to achieve internal cohesion and seek coordination on dossiers, with the presence of group collaborators. Discussions can focus on the preparation of reports or dossiers in the framework of parliamentary committee meetings, which are then discussed by all MPs from the group. Common meetings enable the gathering of opinions and individual expertise and obtain diversified views on similar topics. Priorities might be different between MPs and MEPs and these common meetings internal to parliamentary groups allow raising awareness, from one or the other side, on issues that were not perceived as relevant at first sight. Coordination is also sought on the European level, where MPs from same political families meet in European party congresses, pre-summit meetings (before European Council summits) or meetings of the Bureau of political groups to elaborate consensual positions and exchange views (Interview 16, 2017). During pre-summit meetings, political groups meet informally to discuss negotiation guidelines and define common positions. Exchanges between political families are not formalised and take mostly the form of networks assembling different

horizontal and vertical political levels (local/national/European; parliamentary and party level). Participation in these formats enables an early-stage involvement of MPs in the European decision-making process and a privileged access to information. Smaller parliamentary groups on the national level, such as the ADR or Déi Lénk in the opposition, do not have access to such information to the same extent because of their absence from the European political sphere. However, MPs from these parliamentary groups still participate in common meetings on the European level with their counterparts from other countries.

Each parliamentary group decides if it wishes to establish working groups. EU working groups are arenas of dialogue that are not proper to parliamentary groups. For example, the LSAP working group “European questions” (“Questions Européennes”) aims to inform on and raise awareness about EU affairs among citizens and politicians and increase the European dimension of the party (Interview 13, 2017). Working groups are party structures, even though the group collaborator in charge of EU affairs in parliament manages them. As party structures, they are not only open to MPs, but also to all party members. This means that ministers, as well as MEPs, are invited to participate in these meetings. In the LSAP EU working group, the co-responsible is an MEP (Interview 13, 2017). The frequency of EU working group meetings depends on the topics on the political agenda, but base on different priorities put on the EAC’s agenda (Interview 13, 2017). The working group discusses political position papers and focuses on current issues, while the EAC discusses legislative matters based on official EU documents. Thus, topics of EU working group meetings can be wider than those of the EAC and more oriented towards the European level. After working group meetings, protocols are established, which become the party’s official position on the examined matter.

#### *5.2.4 Parliamentary committees and EU affairs*

Scrutiny of EU affairs within the Chamber of Deputies is decentralised. The main committee dealing with European issues is the Committee on Foreign and European Affairs, Defence, Cooperation and Migration (EAC). Its predecessor, the Committee on Foreign and Community Affairs, was established in 1989. Its scope of competences was extended in 2000 to Defence and in 2004 to Cooperation and Immigration (Spreitzer, In: Heffttler/Neuhold/Rozenberg/Smith, 2015). The particularity of the EAC is its transversal competences, which are not only centred on EU affairs, but also on four additional policy fields (foreign affairs, defence, cooperation and migration). The large scope of competences permits to follow a larger agenda, including various diplomatic issues.

Reflexions on the establishment of a permanent European Affairs Committee (EAC) animated numerous debates<sup>68</sup> among MPs over the past years, without results. A permanent committee was seen as an opportunity to specialise in EU issues, which may have facilitated parliamentary work in a context of increasing complexity of EU dossiers (Interview 6, 15, 17,

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<sup>68</sup> See « Note relative à l’analyse des documents européens », Isabelle Barra, 03.11.2003 ; 13.02.2003, 31st plenary session, TOP 2 « Débat d’orientation relatif à la Convention sur l’avenir de l’Europe » ; Meeting of the CFEADCM, A-CHD-P-2007-O-AEDCI-52; 02.07.2007.



2017). The debate about a permanent EAC was closely linked to the nature itself of the Chamber's scrutiny system and whether it should be decentralised or centralised. The CSV parliamentary group was especially supportive of this idea once the party lost the legislative elections in 2013, but even during the legislative periods where it was part of the governmental coalition, no substantial changes happened in this direction. Several MPs expressed their doubts about the necessity of such a committee. Backed by the government, some argued that a permanent EAC would increase the institutional complexity of parliamentary structures (Interview 10, 2017). Some others pointed out that EU affairs become more and more complex and transcend all political fields, hence the need to distribute them to competent committees instead of centralising them in an EAC (Interview 11, 2017).

The current scrutiny infrastructure allows all parliamentary committees to engage in EU affairs. Sectoral committees receive all EU matters falling in their field of competences, once the European Unit selected the documents with the EAC's approval. Every committee can organise hearings and submit opinions. Each sectoral committee fixes its own procedures for the examination of EU dossiers, which increases the heterogeneity of scrutiny procedures within the Chamber. The EAC redistributes EU documents to sectoral committees and can submit opinions on EU matters after deliberation. MPs that participated in interparliamentary conferences, be it in the European parliament or with other national parliaments such as COSAC, report to the EAC or to the sectoral committee depending on the topic. The civil servant from the International Relations Department that accompanied the delegation can draft reports.

Sectoral committees are responsible to draft reasoned opinions in the framework of the subsidiarity monitoring. The secretariat of the concerned committee drafts the opinion, which is adopted during a committee meeting and transferred to the plenary, where the Chamber of Deputies officially adopts it without debate. The reasoned opinion then becomes a parliamentary resolution that needs to be accepted by the majority of MPs. Then, it is sent directly to the European institutions. If EU matters fall into the competences of several committees, joint committee meetings can be established, chaired by the respective committee Chairs (Interview 17, 20, 2017). However, joint committee meetings are rather rare. In general, cooperation between parliamentary committees is not systematic. Apart from the infrequent joint committee meetings, committees do not collaborate between them. Committee meetings are not public, but committee reports are published and accessible on the Chamber's website<sup>69</sup>. Group collaborators cannot participate in committee meetings. However, MEPs are systematically invited in every EAC meeting (Interview 2, 4, 2017). Due to their geographical closeness to Luxembourg, MEPs are usually able to participate in the Monday morning meetings of the EAC. MEPs also have the possibility to participate in meetings of other parliamentary committees if the topic on the agenda is linked to EU issues. Once per month, a special meeting called "reports of MEPs" can be organised within the EAC, where the priority is given to MEPs' news reports from Brussels. European Commissioners are also invited in the

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<sup>69</sup> Reports can be found for each committee under the following link : <http://www.chd.lu/wps/portal/public/Accueil/TravailALaChambre/Commissions/TravauxEnCommission> (last accessed 01.02.2018).



EAC. Representatives from Eurojust and Europol can come to the Constitutional Affairs Committee.

#### *5.2.5 Cooperation between Parliament and Government on EU affairs*

The Chamber of Deputies bases the scrutiny of EU affairs mainly on the examination of EU documents, which makes it highly dependent on information received from the Government. Before the establishment of the political dialogue by the European Commission, which initiated a direct exchange of documents with national parliaments, the Luxembourg Chamber scarcely received any information from the Government (Spreitzer, 2014). Discussions on the structuration of the collaboration between Government and Parliament in EU affairs were already led in the mid-nineties in the Chamber (Bossaert, In: Maurer/Wessels, 2001). At that time, MPs criticised the lack of transparency and asymmetries of information that limited Parliament's effective participation rights. However, procedural changes were implemented only in 2009, with the signature of a memorandum between the Parliament and the Government on EU affairs. In practice, government members are invited in committees and plenary sessions to expose their positions. According to the memorandum, they are supposed to transfer their position on an EU matter at the earliest possible stage and to report orally before and after Council meetings on request of the Parliament or one of its committees (Spreitzer, 2014). The interaction with the executive depends on the topic on the agenda of the respective committees, as the latter correspond more or less to ministries' competences. Cooperation between the EAC and the Ministry for Foreign and European Affairs is perceived as satisfying (Interview 2, 2017). However, ministers and especially the Minister for Foreign and European Affairs do not come to sectoral committees to discuss EU affairs. The presence of a minister in a parliamentary committee to debate on EU issues depends on his/her willingness to do so (Interview 17, 2017).

In general, the information received from the Government on EU politics is perceived as satisfying by most MPs (Interview 2, 6, 11, 2017). The access to information is made easier in Luxembourg due to the small size of the country and the proximity, be it geographical and in terms of relations, between the Government and the Chamber of Deputies. In Luxembourg, interpersonal and informal contacts between political actors prevail during the decision-making process. The political sphere is a microcosm where everybody knows each other. Most decisions are taken outside of the Parliament's arena during informal dialogues, which might either facilitate information gathering or hinder it for those who do not maintain extensive informal contacts with other actors. In general, the quality and the management of the information received depends on the position of the party in Parliament. Indeed, majority parties can get more diversified information compared to opposition parties. The main problem for the latter is not the lack of information, but rather the information overflow, which renders a selection difficult. The Government treats opposition parties the same way in terms of information exchange, but limits exist on the side of the ministerial departments' willingness to share their knowledge with opposition parties (Interview 11, 2017). According to interviewees currently in the opposition, interactions between the Government and Parliament have room for

improvements, especially regarding the transparency of information and the frequency of contacts with ministers (Interview 14, 17, 20, 2017). Cooperation on the European level with bodies linked to the national executive, such as the Permanent Representation of Luxembourg or the COREPER, are still seen as insufficient according to former opposition MPs (Interview 14, 2017). While majority MPs can contact directly their respective ministers, civil servants in the ministerial departments or representatives in Brussels (Interview 4, 2017), opposition MPs face reluctance from these same actors and request more exchanges (Interview 6, 2017). The difficult access to governmental information for opposition parties makes it more difficult for them to anticipate and prepare positions. While official information is distributed among all parliamentary groups, informal documents are kept either secret or only accessible for majority parties. For example, notes written by diplomats and ministers are not public and available for opposition parties.

Even though anchored in the memorandum on the cooperation between Government and Parliament on EU affairs, ex-ante discussions in Parliament on EU dossiers with the presence of ministers are not institutionalised (Interview 14, 2017). The Minister for Foreign and European Affairs comes regularly to the meetings of the EAC, but usually after European Council meetings. Ex-ante discussions are rare and remain at the stage of consultations or information rounds, where the committee cannot issue a position or opinion that might impose a negotiation guideline to the minister. In general, the Chamber cannot give binding mandates to the Government before meetings of the European Council or the Council of ministers. The absence of binding mandates gives the Government more freedom in terms of selection of information destined for the Parliament. Indeed, according to civil servants from the parliamentary administration, information might be lacking because the Government refuses to share internal documents exposing its position on specific issues (Interview 1, 2017). The Parliament can give its position on EU matters, but the Government “[...] is not obliged to take it into account” (Bossaert, In: Maurer/Wessels, 2001, p. 304). By keeping governmental positions secret, ministers ensure their negotiation power on the European level during Council meetings, and tend to report ex-post to the Parliament. Usually, the Minister for Foreign Affairs dominates discussions on EU affairs within Parliament. The Chamber tries to diversify its instruments and contacts with EU institutions to counteract the Government’s reluctance to share information and reinforce its scrutiny powers. Interpellations represent for example individual tools to control the Government’s EU policy and can be submitted just before Council meetings.

### *5.2.6 Discussion*

This section outlined the main characteristics of the Chamber’s scrutiny system regarding EU affairs and the interactions between MPs, their parliamentary group, the parliamentary administration and the Government. The descriptive elements of the past paragraphs will enable to determine if conditions are met within Parliament for a mainstreaming of EU affairs. We assume that the Chamber’s small size might constitute a significant criterion facilitating the general redistribution of EU matters among a high number of MPs. The

decentralisation of EU scrutiny within the Chamber, even though not formally institutionalised, allocates more EU competences to sectoral committees. Decentralisation also applies within most parliamentary groups, where EU dossiers are redistributed among collaborators according to their domain of competences. Collaborators responsible for EU affairs within bigger parliamentary groups cooperate frequently with their colleague. The crosscutting nature of EU dossiers as well as the small size of parliamentary groups obliges collaborators and MPs to remain generalists. Specialised committees decide autonomously on the subsidiarity monitoring procedure, i.e. the submission of reasoned opinions and the relevance of a European legislation for Luxembourg.

In practice, however, the redistribution of EU matters among committees is unbalanced. Some are more involved than others depending on their field of competences. Most B documents selected by the European Unit are transferred to the EAC, followed by the Committee for Economic Affairs and the Finance and Budget Committee. The least active committees in EU affairs are the Housing Committee, the Committee for Institutions and Constitutional Revision, the Committee for the Control of Budgetary Implementation, the Justice Committee and the Committee on National Education, Childhood and Youth (Interview 3, 11, 2017). Even the EAC is perceived as exerting a weak influence on EU politics (Interview 8, 2017). Sectoral committees are still lagging behind when it comes to handling EU affairs. Peaks of activity depend on EU documents transferred in the framework of the subsidiarity monitoring. The salience of topics determines the extent to which committees decide to get involved in EU affairs (Interview 2, 2017). Once committees submitted their reasoned opinion, their EU involvement decreases again (Interview 17, 2017).

In general, the use of the subsidiarity monitoring instrument is not considered satisfying (Interview 3, 6, 2017). The main reason lies in the constraints in terms of time and expertise requested for the EU documents to be examined. Sectoral committees are not sufficiently equipped with resources to deal with the overwhelming quantity of documents and information. Despite improvements in the Chamber's and parliamentary groups' resource allocation, scrutiny infrastructure and information policy, the handling of EU affairs still requires more specialised personnel on the political and administrative levels. MPs are generally satisfied with the parliamentary administration's support (Interview 10, 15, 17, 2017), but admit that resources are not sufficient, be it from the perspective of parliamentary groups, opposition parties or the Parliament as a whole (Interview 2, 3, 7, 10, 11, 15, 20, 2017). MPs would welcome additional structural and procedural reforms. The parliamentary administration needs legal experts with analytical tasks. Indeed, most civil servants exert rather logistical than analytical functions.

The absence of harmonisation of scrutiny procedures regarding EU affairs within sectoral committees also contributes to unbalanced involvement levels. Already in 2007, a CSV MP regretted that some permanent committees had still no fixed procedure to examine EU dossiers<sup>70</sup>. The absence of procedure also concerns exchanges with MEPs. Sectoral committees

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<sup>70</sup> On the 29<sup>th</sup> January 2007, discussions were led during a meeting of the CFEADCM on the evaluation of the Chamber's working methods in EU affairs (A-CHD-P-2007-O-AEDCI-21; 29.01.2007)

are not used to invite MEPs in their respective meetings and ignore developments on the European level that could potentially be relevant for their own work (Interview 4, 2017). Sometimes, initiatives to participate in committee meetings emanate from MEPs themselves, but this remains an exception. Most sectoral committees still lack information on activities in Brussels and ignore salient issues or the agendas of MEPs. Even joint committee meetings with the EAC remain infrequent and closely dependent on the topic on the agenda (Interview 20, 2017). Regular exchanges within parliamentary groups might not be sufficient to discuss all the issues with MEPs, due to their tight schedule and MPs' lack of awareness about topics that could raise problems.

All things considered, when observing the legal basis and formal capacities of the Chamber of Deputies, mainstreaming trends are nuanced. The Chamber has made efforts to encourage decentralisation and the involvement of multiple actors within the parliamentary arena. Committees split the examination of EU documents among them and decide about their own scrutiny procedure. However, the legislature's small size might be an explanation of its low influence on the national and European level. The executive in Luxembourg holds a dominant position within the legislative process. Unbalanced information exchange between Parliament and Government provides the latter with more negotiation power on the EU level. The scrutiny procedure is restrictively institutionalised, which gives leeway of interpretation to both MPs and government members when it comes to examine and report on EU affairs. The majority in parliament uses this lever of action to limit any change that might tie the hands of the Government during negotiations in the European Council or Council of ministers. Both the limited information from the Government, the absence of binding mandates and the influence of the parliamentary majority on the handling of some EU issues might discourage generalised involvement within the Chamber. Moreover, some sectoral committees still seem to underestimate the significance of EU affairs for their own work, either because their field of competence is not directly affected by EU politics, or because their priority lies foremost in domestic issues that might be more rewarding from an electoral perspective. To encourage involvement in EU affairs, the current EAC Chair expressed the wish that committee secretaries and chairs should be assigned to follow the agenda of Council meetings in Brussels (Interview 4, 2017). Even though the formal conditions for mainstreaming of EU affairs are given, parliamentary practices show a different picture. Therefore, next section focuses on effective parliamentary activity in EU affairs and the factors influencing MPs' involvement.

### 5.3 EU affairs in parliamentary work: opportunities and constraints

The third part of this chapter deals specifically with the effective involvement of MPs in EU affairs and the factors influencing their parliamentary work. We will identify the opportunities and constraints encouraging or limiting parliamentary EU activity. The aim is to test several sub-hypotheses that might help explaining trends in parliamentary involvement during EU and intergovernmental treaty negotiations. To do so, we will rely on interviews and parliamentary statistics. The first section will outline the general socio-demographic characteristics of the Chamber of Deputies. We assume that one motivational factor may

primarily determine effective parliamentary involvement in EU affairs: the extent to which MPs' profiles are "Europeanised". Independently from their political ideas on the European integration process (pro-European vs Eurosceptic), a "Europeanised" MP would have professional and personal experience linked to EU affairs prior to the parliamentary mandate, a deep interest for EU politics, an active engagement in European interparliamentary delegations and hold a position within Parliament encouraging active involvement in EU affairs<sup>71</sup>. These assumptions aim to test sub-hypothesis H2.1. The second section will focus on MPs' actual level of involvement in EU affairs. Depending on their profile and their institutional framework outlined in the previous part, we will try to explain how these factors might influence MPs' parliamentary activities. This section will test the effective mainstreaming trend within Parliament by checking if trends observed in the previous part (5.2) are also reflected in MPs' work. Thus, the second section aims to complete the arguments already made on hypothesis H2. The Theory of Endogenous Institutional Change will help to understand how MPs make use of their parliamentary environment depending on their political position and interests. Through the motivational approach, we seek to explain how MPs' profile forged their motivations to engage in EU politics.

### *5.3.1 General socio-demographic characteristics of the Chamber of Deputies*

Apart from formal procedures and structures regulating the scrutiny of EU affairs, sociological factors and individual motivations also determine to what extent MPs include EU affairs in their everyday working practices. This section analyses the opportunities and constraints on parliamentary involvement in EU affairs. Motivational factors such as MPs' political and personal experience, as well as their functions within Parliament, will help identifying the causes of their (non) involvement in EU affairs.

#### *5.3.1.1 Composition of the Chamber of Deputies: MPs' profiles*

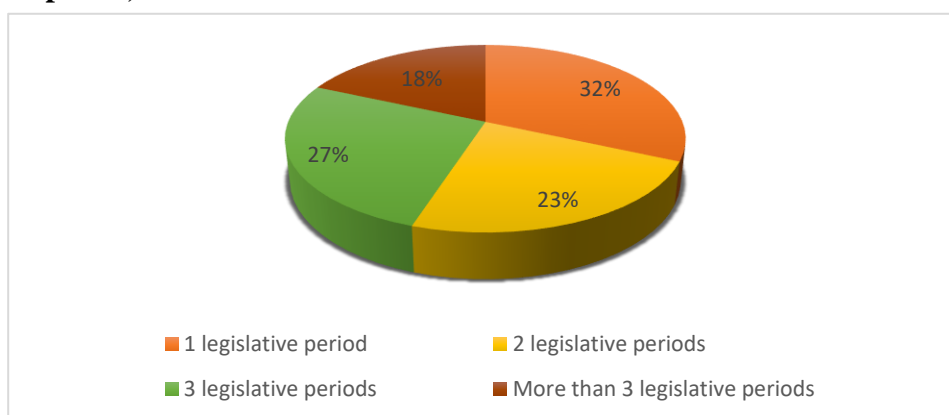
The analysis of the Chamber's composition shows that most MPs exerted mandates already in the previous legislative periods. 45% held the MP position for three or more legislative periods, while 23% of MPs exerted two mandates. For 32% of MPs, their current mandate is their first one. Some MPs from the smallest parties are even forced to rotate in the middle of their mandate<sup>72</sup>. The graph below illustrates these trends.

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<sup>71</sup> Such as member of the CFEADCM, EU speaker or president of a parliamentary group, committee Chair, etc.

<sup>72</sup> This applies to mandates within the parliamentary group Déi Lénk, which is composed of only two MPs.

**Figure 5: Number of exerted parliamentary mandates per MP (in %), Chamber of Deputies, 2013-2018**

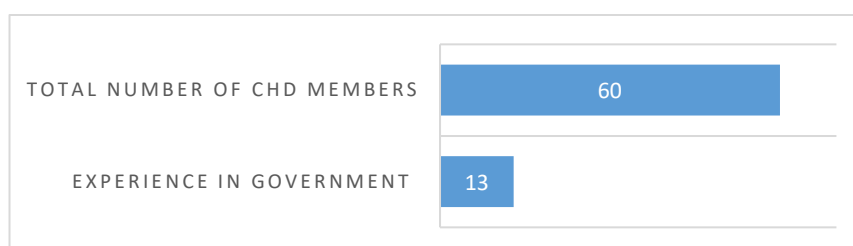


Source: Own calculation,

<http://www.chd.lu/wps/portal/public/Accueil/OrganisationEtFonctionnement/Organisation/Deputes/DeputesEnFonction> [last accessed 24.05.2019]

Long-lasting mandates signify that MPs are used to working practices and procedures within Parliament. They might be more familiar with the parliamentary culture than newly elected MPs. Some of them even held positions in the Government, either prior to their first mandate, or between parliamentary mandates, switching from Parliament to Government and inversely. These MPs have a double experience of governmental and parliamentary work. Whenever they return to Parliament, they tend to take their ministerial practices and privileged contacts with them. As we outlined in section 6.1.1, the fact that almost 22% of MPs were Government members can be explained by the function of the Chamber as a springboard to ministerial positions. Once an MP leaves Government, return to parliamentary functions might be facilitated and considered as temporal until the next nomination in the executive. In that case, they might use the Parliament as an arena for political profiling until they are nominated again in the Government.

**Figure 6: Number of MPs with an experience in the executive (in total), Chamber of Deputies, 2013-2018**



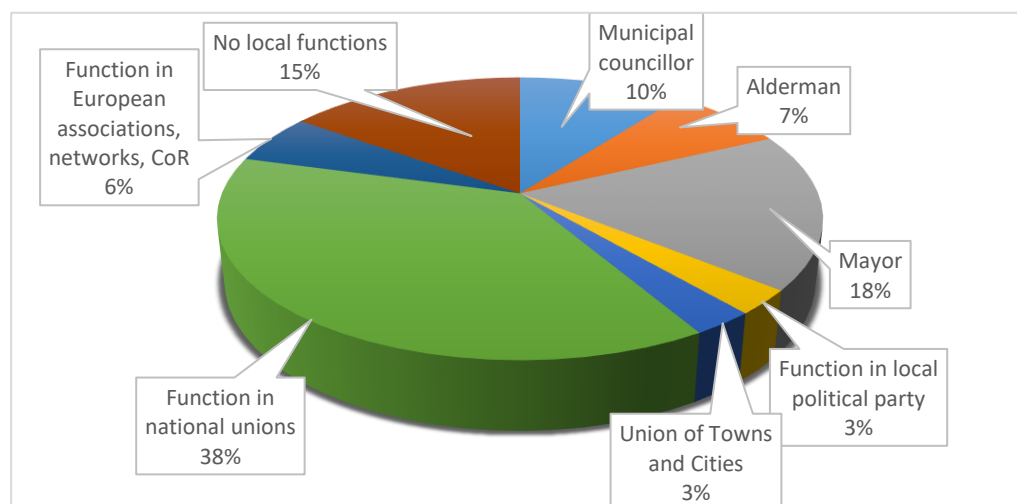
Source: Own calculation,

<http://www.chd.lu/wps/portal/public/Accueil/OrganisationEtFonctionnement/Organisation/Deputes/DeputesEnFonction> (last accessed 05.07.2019)

This extensive political experience might provide them with knowledge advantages on the mechanisms of parliamentary work. As a small parliament composed of sixty MPs, several factors linked to the Chamber's small size represent also constraints for parliamentary involvement in EU affairs. A small legislature implies a higher workload. The latter is reinforced by the lack of personnel, overlapping political mandates and multiple committee memberships. The lack of structural resources has already been addressed in the previous part

(5.2). Overlapping political mandates mean that MPs can exert parallel mandates to their parliamentary one, be it on the local, national or European level. In the Chamber of Deputies, only fifteen percent of MPs do not hold any local position additionally to their MP functions. Mandates in the Chamber of Deputies are part-time, which means that the rest of the time, MPs focus either on their parallel mandates, or they continue to exert their profession, unless their prior functions belonged to the ones incompatible with a mandate in Parliament (Article 54 Constitution). Parallel functions thus reduce MPs' flexibility. The graph below (figure 7) shows the proportion and type of local and European functions exerted parallel to the MP position in the Chamber of Deputies.

**Figure 7: Distribution of representative functions among MPs (in %), Chamber of Deputies, 2013-2018**



Sources: Own calculations,

<http://www.chd.lu/wps/portal/public/Accueil/OrganisationEtFonctionnement/Organisation/Deputes/DeputesEnFonction> (last accessed 05.07.2019)

Among the sixty members of the Chamber, 35% exert another political mandate on the local level, be it as municipal councillor, alderman or mayor. Overlapping mandates are very common in Luxembourg and limit the time of MPs in Parliament. 3% of MPs also hold a position in a local political party. The local level remains an important element of MPs' political careers. Most MPs started their political career in local constituencies or local branches of their political party before being elected in Parliament. However, ties to local parties does not seem to be very determinant to enter the Chamber of Deputies, probably because of the geographical proximity of the local and national levels. MPs do not have to pass through local political parties before legislative elections, contrary to Austria. Moreover, the electoral system in Luxembourg places individual candidates at the frontstage, which implies that re-election depends on MPs' popularity and personal profiling strategies (Interview 3, 2017). Hence, the priority given mostly to domestic issues and work in their respective constituencies, with some exceptions. On the national level, 41% are member of unions<sup>73</sup>. As explained earlier (section 6.1.1), the proximity between MPs and unions originates mainly from the close ties between national

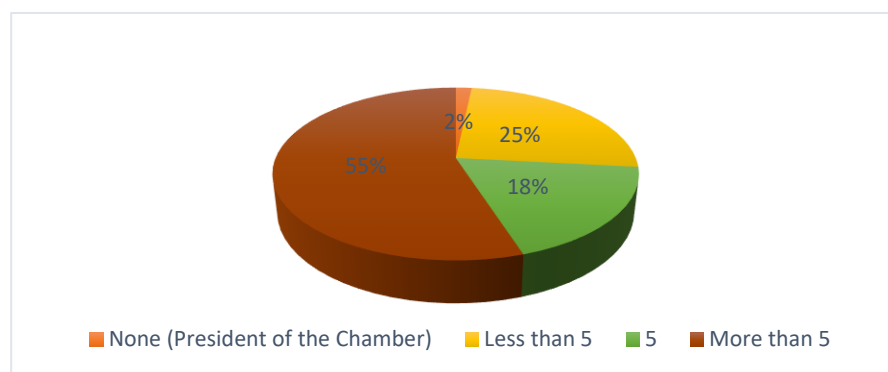
<sup>73</sup> Apart from the Union of Towns and Cities, national unions are understood here as professional chambers, syndicates, political associations, networks, federations, academies, think tanks, Non-Governmental Organisations etc).



parties and affiliated trade unions, illustrating the consociational and corporatist nature of the Luxembourgish political system. Trade unions are especially close to LSAP and CSV and thus represented in Parliament through affiliated MPs. 6% are member of a European association, network or the Committee of the Regions. Several functions are exerted sometimes simultaneously.

Debates took place repeatedly among MPs about the problematic issue of overlapping mandates, which might hinder an efficient involvement in parliament and in EU affairs in particular. Due to the small size of the Parliament, overlapping mandates might represent a burden for MPs' parliamentary schedule and workload. The controversial idea advanced by some MPs consists in removing the possibility to cumulate several mandates<sup>74</sup>. On top of multiple mandates, MPs also have multiple committee memberships, which means that an MP usually belongs to several committees at the same time. The graph below (figure 8) shows the proportion of MPs with five or more committee memberships.

**Figure 8: Number of committee memberships per MP (in %), Chamber of Deputies, 2013-2018**



Source: Own calculations,

<http://www.chd.lu/wps/portal/public/Accueil/OrganisationEtFonctionnement/Organisation/Deputes/DeputesEnFonction> (last accessed 05.07.2019)

More than half of parliament members belong to more than five parliamentary committees. Within the Chamber of Deputies, there are no formal limitations of memberships. The Parliament's small size might force MPs to belong to many committees. The RoP indicates that the Conference of Presidents determines how many places each parliamentary group can allocate in the committees. MPs can also be observers in all parliamentary committees without being able to take decisions. In practice, MPs must be able to handle committee work and guarantee the efficiency of decision-making. Multiple memberships might affect parliamentary work in the sense that MPs might tend to focus primarily on their own dossiers because of the diversity and large scope of policy fields to be covered (Interview 3, 11, 2017). Therefore, specialisation might be complicated within the Chamber of Deputies due to the multiple committee memberships (Spreitzer, 2014). The influence of small parties on committee work is even more limited as they face a serious lack of resources.

<sup>74</sup> See minutes of the meetings of the CFEADCM on the 04.05.2009 (A--CHD-P-2009-O-AEDCI-42), 28.11.2005 (A-CHD-P-2005-O-AEDCI-11) and 02.07.2007 (A-CHD-P-2007-O-AEDCI-52).



Factors such as the length and number of parliamentary mandates, multiple committee memberships, political or union affiliations or the size of the parliamentary group represent opportunities and constraints for parliamentary involvement in EU affairs. MPs actively involved in EU politics and/or EAC members have specific profiles that reflect some specific features of the general composition of the Chamber of Deputies.

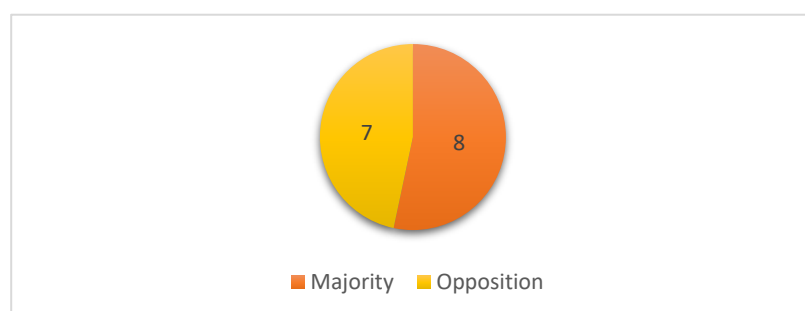
### *5.3.1.2 Profiles of parliamentary key players in EU affairs*

This section takes a closer look at the profile of MPs actively involved in EU affairs and in the follow-up of treaty negotiations. We identified two types of MPs dealing with these matters. Most MPs that followed the EU treaties and intergovernmental treaties on the EMU analysed in the present thesis were or are still EAC members. Others belong to different sectoral committees, but their number is reduced. While the first ones are used to deal with EU related issues, the second category of MPs become active only if strategical benefits are at stake.

#### **EAC members**

The political profile of EAC members reflects more or less the general composition of the Chamber. The current EAC is composed of fifteen parliamentarians mirroring the political weight of each parliamentary group. Eight members come from the majority and seven belong to the opposition. The number of seats are distributed almost evenly between the two camps, which might require consensual practices if MPs want to reach decisions. The EAC Chair comes usually from the majority, which provides the Government with significant influence on European Affairs in Parliament.

**Figure 9: Ideological distribution of EAC membership (in total), Chamber of Deputies, 2013-2018**

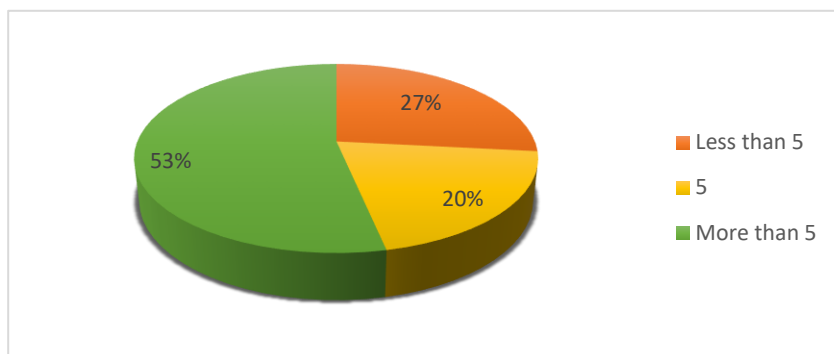


Source: <http://www.chd.lu/wps/wcm/connect/public/eebc7fda-ca8b-4053-bfe0-53efd7ea464a/2018+01+10+CommAppartPol.pdf?MOD=AJPERES&CVID=m3vKDwZ> (last accessed 05.07.2019)

More than half of the members belong to five or more committees. The absence of committee membership limitation explains why EAC members reflect the general trend in Parliament. Some MPs argue that the multiplicity of committee membership allows them either to raise awareness about EU affairs in the other committees where they belong to, or to bring relevant topics from other committees on the EAC's agenda. Multiple committee memberships

permits a knowledge transfer from the EAC to sectoral committees, and vice-versa. MPs use their EAC membership to handle sectoral issues with a European perspective.

**Figure 10: Number of committee memberships per EAC member (in %), Chamber of Deputies, 2013-2018**

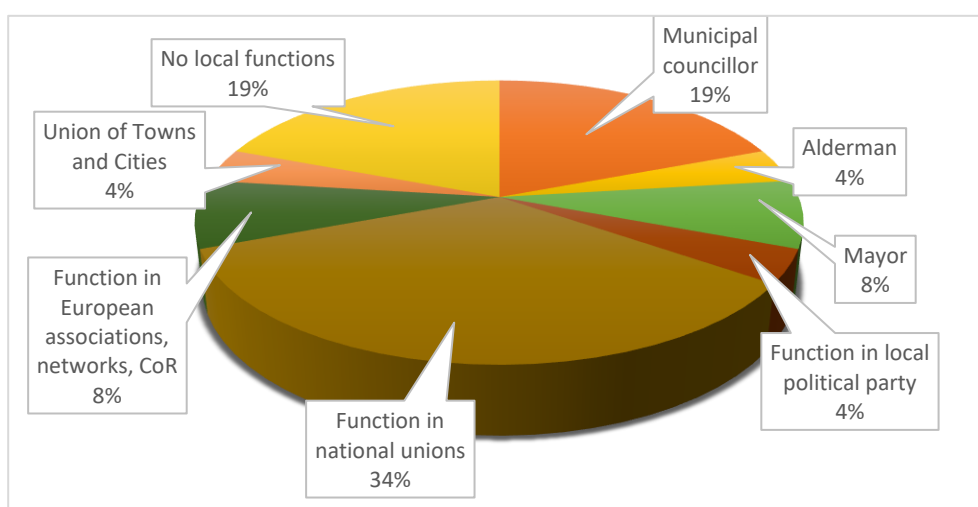


Source: Own calculations,

<http://www.chd.lu/wps/portal/public/Accueil/OrganisationEtFonctionnement/Organisation/Deputes/DeputesEnFonction> (last accessed 05.07.2019)

The proportion of overlapping mandates also corresponds to the average proportion within the Chamber of Deputies. 31% of the committee members hold a political mandate in their constituency, while 4% exert functions in a local political party, 38% in national unions (including the Union of Towns and Cities), 8% in European associations or the Committee of the Regions and 19% do not have additional mandates or functions. Compared to the total number of MPs, the proportion of EAC members belonging to national unions is slightly lower, but still reflects Luxembourg's strong neocorporatist culture. Membership in European organisations is higher than the average, which proves that EAC members are more sensitised to EU issues and more involved in international and European activities. Direct contacts on the EU level give them opportunities to network and to diversify their sources of information.

**Figure 11: Distribution of representative functions among EAC members (in %), Chamber of Deputies, 2013-2018**



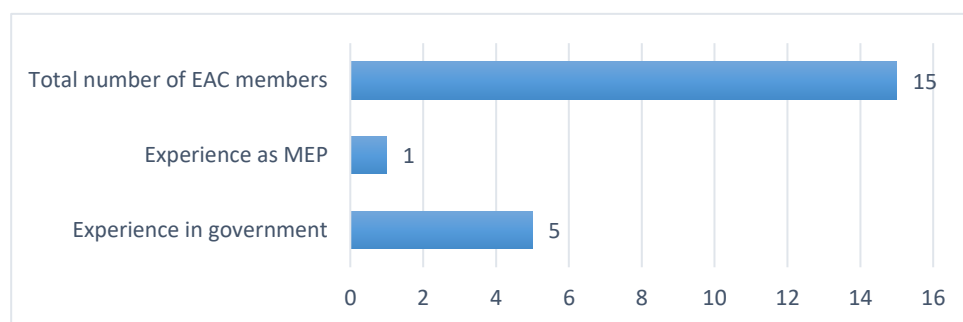
Sources: Own calculations,

<http://www.chd.lu/wps/portal/public/Accueil/OrganisationEtFonctionnement/Organisation/Deputes/DeputesEnFonction> (last accessed 05.07.2019)

The number of MPs with experience in the Government is higher in the EAC than in the rest of the Chamber. Within the committee, five out of fifteen MPs (approximately 33%) held a position in the Government prior to their current mandate, compared to 21% of all MPs in the Chamber. They usually belonged to the Foreign Affairs Ministry or ministries close to the EAC's competences, which gave them higher legitimacy to become EAC members due to their past experience. Only one MP had also an experience in the European Parliament.

In the Chamber of Deputies, there is a general perception that EU affairs are reserved to MPs with extensive political experience. Subsequently, the EAC benefits from a certain prestige and attracts primarily experienced senior MPs. Indeed, the EAC has a higher proportion of MPs with prior experience in Government, which could mean that MPs use the EAC for political profiling. These MPs do not seek re-election, but rather a nomination in Government. This could explain why some MPs without experience in EU affairs or with less political experience were surprised that their parliamentary group chose them to become EAC members (Interview 2, 2017).

**Figure 12: Political experience of EAC members (in total), Chamber of Deputies, 2013-2018**

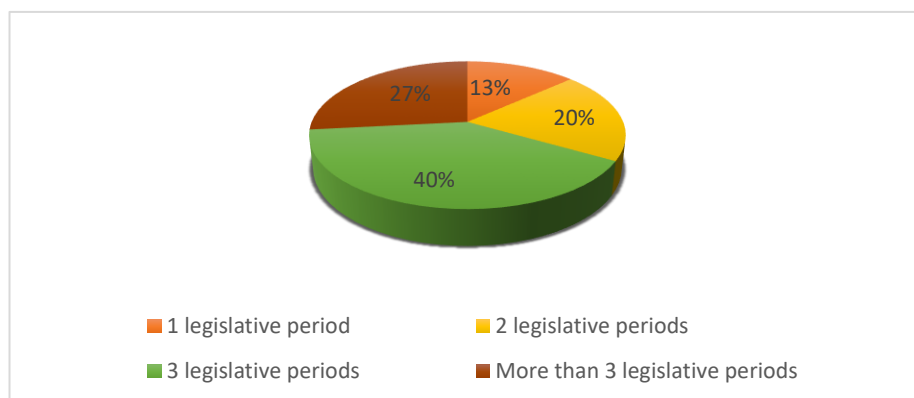


Source: Own calculations,

<http://www.chd.lu/wps/portal/public/Accueil/OrganisationEtFonctionnement/Organisation/Deputes/DeputesEnFonction> (last accessed 05.07.2019)

In the same line of thoughts, the idea that the EAC requires extensive political experience could also explain why the proportion of MPs with long-lasting mandates is higher than in the rest of the Parliament. Indeed, 67% of the EAC members are in the Chamber since three or more legislative periods.

**Figure 13: Number of exerted parliamentary mandates per EAC member (in %), Chamber of Deputies, 2013-2018**



Source: Own calculations,

<http://www.chd.lu/wps/portal/public/Accueil/OrganisationEtFonctionnement/Organisation/Deputes/DeputesEnFonction> (last accessed 05.07.2019)

Just as in the Austrian National Council, long-term mandates show that EAC members know parliamentary procedures and possess in-depth knowledge on European integration. It also means that renewal of EAC members is limited, especially on the side of the majority, which might secure the Government's control over EU policies.

All in all, constraints in terms of workload remain the same for EAC members as for the rest of parliamentarians because of their multiple committee memberships and overlapping mandates. However, the main difference lies in MPs' political experience, which is higher than the average, be it in the Legislative or the Executive. Their profiles seem to be more professionalised than the average MP in the Chamber of Deputies. The reason might lie in the complexity and large scope of EU affairs, which require a specific social capital that only experienced MPs might possess. In her thesis about the "[e]ffects of European integration on parliamentary control" in Luxembourg, Spreitzer underlines that "[t]he EAC [...] is chosen by senior MPs with prior experience in the issue areas. Such experience may consist in a former government responsibility or activity in international parliamentary assemblies" (Spreitzer, 2014, p.145).

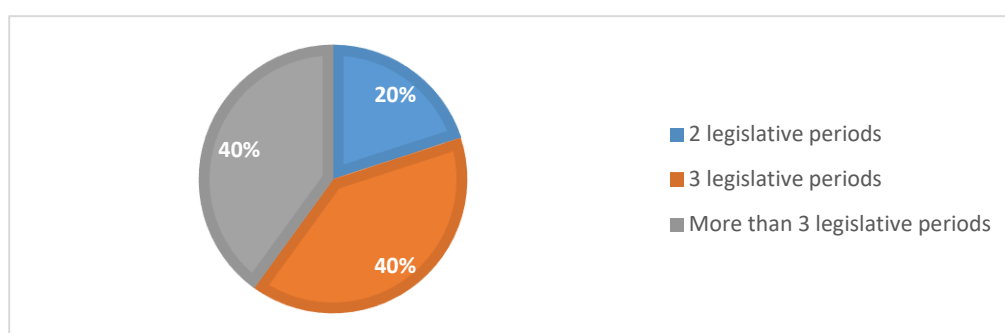
### **Key players in the follow-up of EU treaties and intergovernmental treaties on the EMU**

This section focuses on two elements: the profile of MPs identified as particularly involved in the follow-up of EU and intergovernmental treaty negotiations and factors influencing their involvement. Interviewed key players (current and former MPs) can be divided into two categories: those dealing constantly with EU affairs (including EU and intergovernmental treaties) and those that became active only during the follow-up of the treaties. While the first ones belong(ed) to the EAC, the second ones are usually MPs from sectoral committees.

In general, interviewed key players identified as particularly active in EU affairs have an extensive experience in national politics, be it in Parliament or Government. Most key players started with a mandate on the local level, where they focused primarily on domestic topics (Interview 3, 4, 6, 2017). Before getting engaged in EU affairs, they needed to gain their

voter's support. Being member of a municipality council ensured them for instance the needed link to the local level, before being elected in Parliament and dealing with less locally oriented matters. They exert(ed) long-lasting parliamentary mandates. Out of fifteen interviewed current and former MPs, six exerted a mandate during three legislative periods and six others during more than three legislative periods. Among the fifteen MPs interviewed, six started their first mandate in 2004-2005 during the negotiation rounds on the Treaty establishing a Constitution for Europe. Long-lasting political experiences provide key players with knowledge on parliamentary practices and the European context. Usually, interviewees witnessed several EU treaty negotiations and became familiar with negotiation templates and the issues discussed. Thus, senior MPs detached from re-election prospects might be more competent to identify the country's and parliament's stakes during treaty negotiations.

**Figure 14: Interviewees' average length of parliamentary mandates (in %), Chamber of Deputies**



Source: Own calculation, interviews and current MPs' profiles on the parliament's website <http://www.chd.lu/wps/portal/public/Accueil/OrganisationEtFonctionnement/Organisation/Deputes/DeputesEnFonction> (last accessed 05.07.2019)

MPs constantly dealing with EU affairs often held political positions linked to EU affairs outside the Chamber prior to their parliamentary mandates. Some of these positions were held on the EU level and triggered their awareness on and interest for EU politics. For example, an interviewee particularly active in promoting EU affairs within Parliament during previous legislative periods exerted an MEP mandate (Interview 3, 2017). Leadership positions within Parliament might also impact MPs' involvement in EU affairs. Indeed, parliamentarians dealing more frequently with EU affairs were committee chairs (either EAC or sectoral committees), presidents of parliamentary groups, EU speakers, members of interparliamentary conferences or rapporteurs on EU issues. These positions concern only a small proportion of MPs with privileged knowledge on EU politics. Some functions are even reserved to MPs with specific political affiliations. Indeed, as explained before, the function of EAC Chair is usually attributed to MPs from the majority, i.e. the governmental coalition (Interview 3, 2017). Key players with leadership positions become active because either they want to leave a political mark, or because they need to represent their party's position on the treaties due to their privileged function as main expert or spokesperson in parliament.

Contrary to political experience and political functions within parliament, MPs' personal experience has a fluctuant influence on their involvement in EU affairs. Firstly, key players' professional experiences prior to their mandate are very diversified and rarely linked to EU

affairs. Professional experience prior to the parliamentary mandate might play a role in MPs' involvement in EU affairs, but to a lower extent than political experience. Among the interviewees, some were teacher, translator, school inspector, journalist, doctor, diplomat or psychologist. Most MPs had experiences in both the public and private sector. For some, their prior profession might have been an incentive for the choice of their committee memberships, with or without link to EU affairs (Interview 8, 11, 20, 2017). For example, an EAC member and EU speaker of his parliamentary group studied diplomatic affairs and worked for twenty years in the diplomatic corps of Luxembourg. This experience influenced his choice to become EAC member and get involved in EU affairs (Interview 8, 2017). Another MP spent most of his career in the educational sector, as teacher and school inspector. He belongs among others to the Committee on Higher Education and focuses mainly on these issues and less on EU affairs despite being member of the EAC (Interview 11, 2017). Moreover, associative commitments linked to EU topics are non-existent in Luxembourg. Some MPs are involved in national associations directly related to their prior profession or topic of interest; others are member of European professional associations. In both cases, EU affairs are not the main theme.

The above-mentioned factors that might influence involvement in EU affairs give a picture of an ideal-typical "Europeanised" parliamentarian. An MP with a "Europeanised" profile would have an extensive professional, personal and political experience linked to EU affairs prior to the parliamentary mandate, exert a long-term mandate in parliament, occupy either parliamentary positions directly linked to EU affairs (Chair of the EAC, EU speaker) or a leadership position (president of a parliamentary group, Chair of a sectoral committee), and would actively participate in interparliamentary cooperation formats. We assume that these "Europeanised" MPs, which represent a minority in parliament, might be the most active during EU and intergovernmental treaty negotiations. In fact, among the interviewees, we observed that the predispositions to get involved in EU affairs also affect the involvement in the follow-up of treaty negotiations. Most interviewed key players mentioned in parliamentary documents related to the four studied treaties have a "Europeanised" profile. Most already dealt and continued to deal actively with EU affairs before and after each treaty negotiation round.

The main driver of their involvement is their personal interest for EU affairs. For instance, one of the most involved MPs with a particularly "Europeanised" profile was a former member of the LSAP parliamentary group until 2013 (Interview 3, 2017). He participated in the Convention on the Future of Europe and followed closely negotiations on the Treaty establishing a Constitution for Europe and the Treaty of Lisbon. He was rapporteur for the latter. He exerted his mandate between 1984 and 2013, with a break between 1989 and 1999 where he became MEP. His long-lasting parliamentary mandate allowed him to follow numerous EU treaties. He was member of several parliamentary delegations, among others COSAC. During his mandate, he occupied the positions of EAC Chair and President of the LSAP group. As a convinced pro-European, he focused particularly on strengthening the Parliament's participation rights in EU affairs. For him, his European political experience triggered his interest for EU affairs and pushed him to get involved in parliament. Another former MP from the DP parliamentary group was a member of the national delegation to the Convention on the Future of Europe and actively followed negotiations on the Treaty establishing a Constitution for Europe and the Treaty of Lisbon (Interview 10, 2017). He also counts among the

“Europeanised” MPs, because he had a diplomatic career closely linked to foreign and EU affairs prior to his mandate. He exerted his parliamentary mandate for five legislative periods (four consecutive ones) between 1984-1989 and 1994-2012. On top of his experience in the Government and his long-lasting political career on the local level, he was also EAC member during his mandates.

Overall, MPs’ socialisation into EU norms seems to be independent from political affiliations and positioning on the political spectrum. Indeed, an MP belonging to the sovereignist party ADR always dealt with EU affairs prior to his parliamentary mandate by serving in the diplomatic corps of Luxembourg. He is the EU speaker of his parliamentary group because of his extensive professional career in these matters (Interview 8, 2017). These MPs particularly sensitive to EU issues, either pro-Europeans or Eurosceptics, might also be considered as “political entrepreneurs” of change according to the Theory of Endogenous Institutional Change. Indeed, their experience in the handling of EU affairs within the Chamber of Deputies might give them the legitimacy and credibility needed to initiate reforms towards the strengthening of parliamentary participation rights and the mainstreaming of EU affairs among MPs. The role of “political entrepreneurs” with “Europeanised” profiles will be analysed more thoroughly in the next parts of the present chapter.

Apart from the “Europeanised” MPs, another category of players followed EU and intergovernmental treaty negotiations. Some MPs that did not belong to the EAC or did not handle EU affairs on a regular basis became punctually active. Contrary to MPs with extensive experience in EU affairs, the second category of MPs belonged mainly to sectoral committees and had political experiences closely linked to domestic issues (Interview 7, 17, 20, 2017). Most MPs only punctually involved in the follow-up of treaty negotiations had either no parliamentary functions linked to EU affairs or were EAC member only for a short period. Moreover, their tasks within the Chamber remain rather centred around domestic issues and are only punctually concerned with EU matters whenever these affect directly their field of competence. Their involvement in the follow-up of EU and intergovernmental treaty negotiations is only topic- or policy-related. The absence of knowledge and interest for EU affairs might thus explain their low and fluctuant level of involvement. Indeed, sectoral committee members tend to get involved in EU affairs whenever they can benefit from issue-mediatisation and increased popular support. Opposition MPs were particularly active in sectoral committees during treaty negotiations.

The nature of committee competences also plays an important role, as some sectoral committees are more concerned with EU affairs than others. For example, a current MP from the CSV parliamentary group never belonged to the EAC and always dealt with national topics (Interview 17, 2017). Even though he participated in the Convention on the Future of Europe as a government representative, in public auditions as an MP during the referendum campaign in 2005 and followed the Treaty of Lisbon, he only got interested in the legal aspects of the treaties as member of the Committee on Institutions and Constitutional Revision. Currently, the MP rarely handles EU affairs in his daily parliamentary work and maintains rare contacts with MEPs. Another former MP from the Déi Gréng parliamentary group never dealt with EU affairs before becoming deputy member of the parliamentary delegation to the Convention on the

Future of Europe (Interview 7, 2017). According to the MP, becoming a member of the delegation was motivated by the closeness of the Convention's topics with her own fields of competences and interest.

This section analysed the profiles of EAC members and of the interviewed key players that followed EU treaties and intergovernmental treaties on the EMU. We observed that a correlation exists between the involvement in EU affairs and the follow-up of treaty negotiations. Political experience prior to parliamentary mandates, as well as political functions within parliament, seemed to represent the main motivations for MPs and forged their interest for EU affairs. Usually, the most active MPs during negotiations on the studied treaties seem to be senior MPs belonging to the EAC with a particularly "Europeanised" profile. The next section focuses on the effective involvement of parliamentarians in EU affairs and tries to check how it might be influenced by MPs' profiles and interests.

### *5.3.2 Parliamentarians' level of involvement in EU affairs*

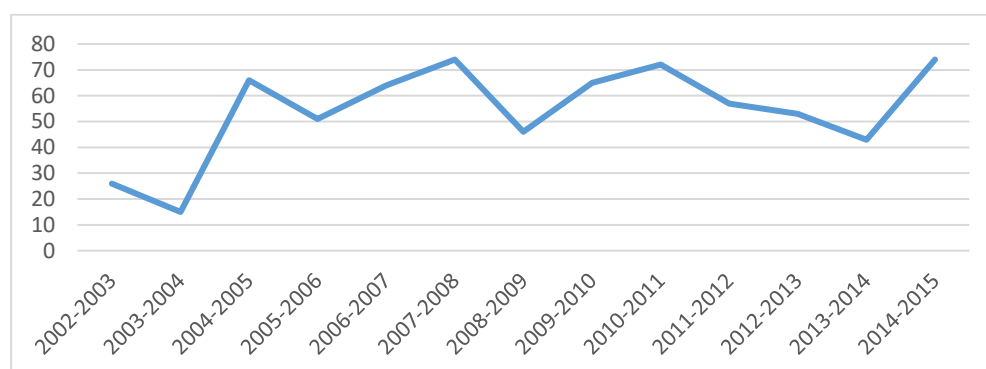
The present section aims to outline general trends in parliamentary involvement over the past years. Based on MPs' institutional framework outlined in part 6.2, their profiles and their opinion on EU affairs, we will check to what extent we might observe a mainstreaming trend within the Chamber of Deputies. While Historical Institutionalism will permit to examine how involvement changed and which strategical interests prevailed, Sociological Institutionalism will help to explain how MPs' profiles and motivations affected parliamentary activity. The measurement of parliamentary involvement in EU affairs will rely on indicators such as the evolution of the number of EAC meetings, the number of motions, interpellations and resolutions on EU affairs, the number of question hours on EU topics and the number of parliamentary questions on EU affairs. These indicators will then be confronted to results obtained through interviews, which will explain the motivations hidden behind statistical trends.

#### *5.3.2.1 General trends*

Before the Convention on the Future of Europe, the handling of EU affairs within the Chamber of Deputies was not systematic and rather underdeveloped (Interview 10, 14, 2017). The main reasons might be the insufficient institutionalisation of scrutiny mechanisms within the Chamber and the fact that EU affairs were commonly accepted as non-conflictual matters that did not require thorough examination. The quasi absence of scrutiny procedures within the Chamber and the overtly EU-friendly attitude might have resulted in a passive control of the Government's EU policy. After the Convention, EU affairs became increasingly part of parliamentary work. However, we observe that involvement in EU affairs tends to be rather fluctuant from one parliamentary session to the other. This trend is reflected in the number of EAC meetings shown in the graph hereafter (figure 15).



**Figure 15: Number of EAC meetings (in total), Chamber of Deputies, 2002-2015**

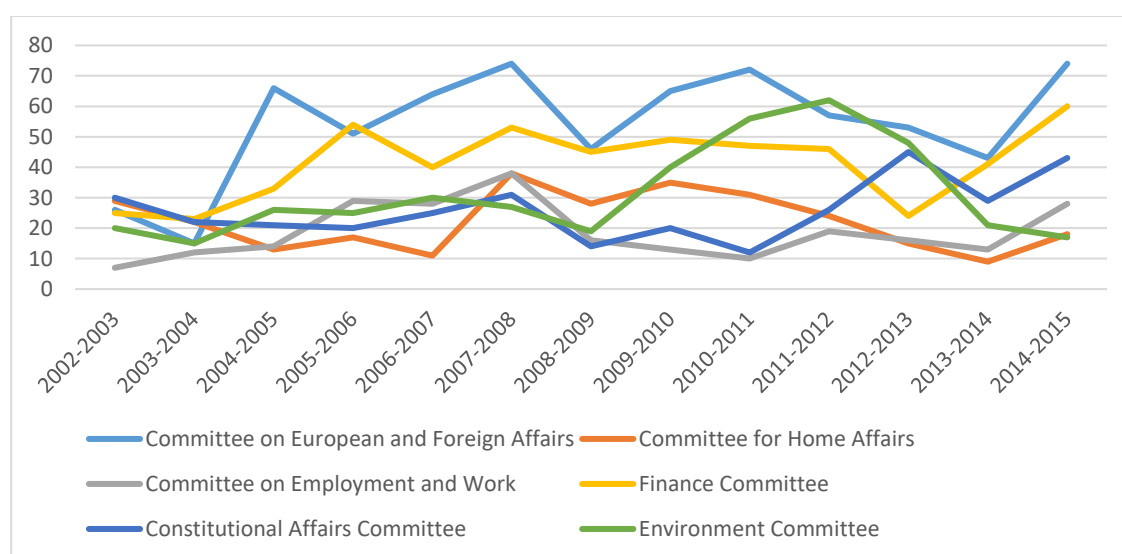


Source: Own calculations based on the annual analytical tables provided by the Chamber of Deputies, <http://www.chd.lu/wps/portal/public/Accueil/TravailALaChambre/SeancesPubliques/ComptesRendusSeances> (last accessed 05.07.2019)

We observe indeed that despite being fluctuant, the number of EAC meetings increased between the parliamentary session 2002-2003 and 2014-2015, passing from 26 meetings in 2002-2003 to 74 meetings in 2014-2015. Variations observed in this graph might correspond to legislative elections. Indeed, elections were held in 2004, 2009 and 2013, which could explain the lower involvement of the EAC due to the priority given to electoral campaigns. Moreover, negotiations on the Constitutional Treaty in 2004, the Treaty of Lisbon in 2008 and the ESM and TSCG in 2011 seemed also to have affected EAC meetings with noticeable increases of meetings around these events. Indeed, the EAC was the sole parliamentary body competent to scrutinise IGCs.

Compared to sectoral committee meetings, the EAC met the most over the same period, as illustrated in the following graph (figure 16).

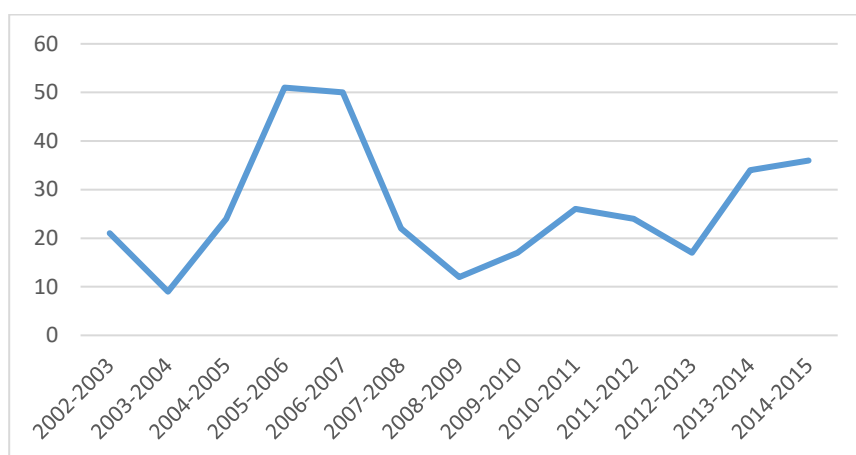
**Figure 16: Comparative evolution of the number of committee meetings (in total), Chamber of Deputies, 2002-2015**



Source: Own calculations based on the annual analytical tables provided by the Chamber of Deputies, <http://www.chd.lu/wps/portal/public/Accueil/TravailALaChambre/SeancesPubliques/ComptesRendusSeances> (last accessed 05.07.2019)

The high number of EAC meetings could be explained by its large scope of competences, which require to deal with more than only EU matters. The same trends can be observed in the evolution of parliamentary questions on EU issues. The overall trend is an increase from 21 questions in 2002-2003 to 36 questions in 2014-2015, with a peak of activity between 2005 and 2007. This period corresponds to the Constitutional Treaty, Luxembourg's EU Presidency in 2005 and the subsequent negotiations on the Treaty of Lisbon. However, the latter did not seem to have triggered much interest, as the number of parliamentary questions decreased after 2007, with parliamentary elections in 2009 and 2013.

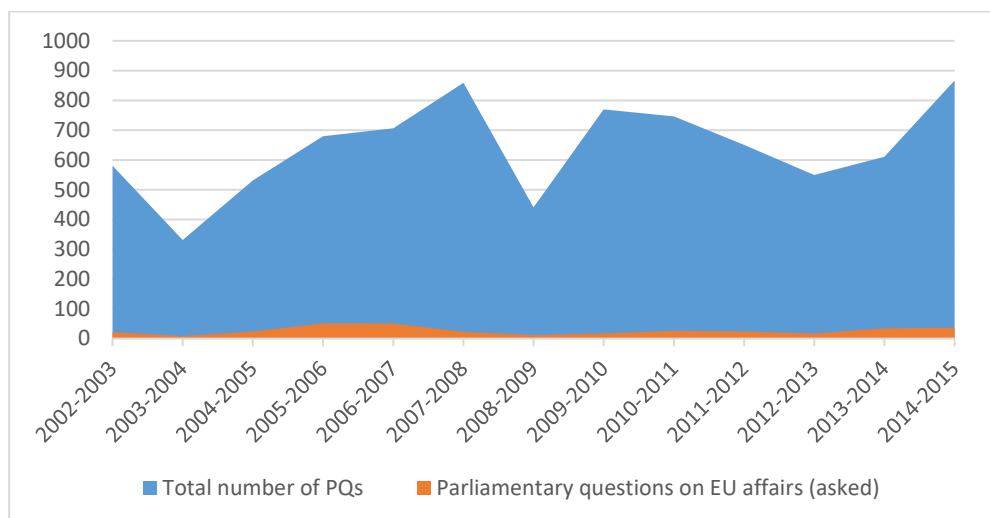
**Figure 17: Parliamentary questions on EU affairs (asked, in total), Chamber of Deputies, 2002-2015**



Source: Own calculations based on the annual analytical tables provided by the Chamber of Deputies, <http://www.chd.lu/wps/portal/public/Accueil/TravailALaChambre/SeancesPubliques/ComptesRendusSeances> (last accessed 05.07.2019)

The proportion of questions on EU affairs compared to the total number of parliamentary questions remains low, as shown in the graph below (figure 18).

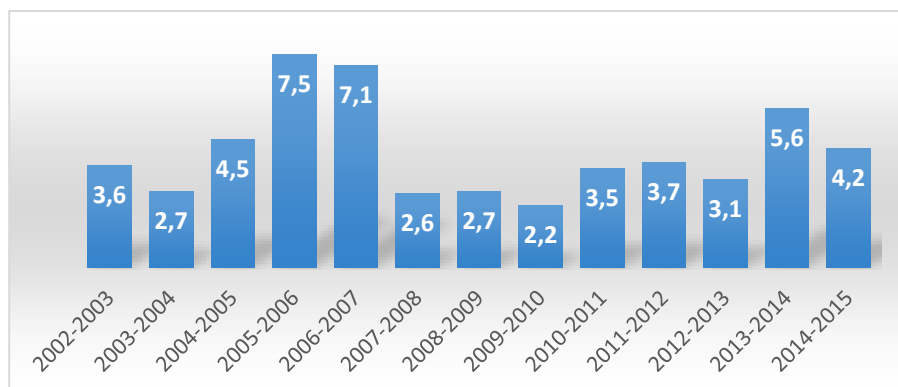
**Figure 18: Number of PQs on EU affairs compared to total number of PQs (in total), Chamber of Deputies, 2002-2015**



Source: Own calculations based on the annual analytical tables provided by the Chamber of Deputies, <http://www.chd.lu/wps/portal/public/Accueil/TravailALaChambre/SeancesPubliques/ComptesRendusSeances> (last accessed 05.07.2019)

Indeed, only the years 2005-2006 and 2006-2007 saw an increase of the proportion of EU questions. Again, this might have corresponded to Luxembourg's EU Presidency and the negotiations on both the Constitutional and the Lisbon Treaty. We observe a slight increase during the economic crisis in 2011-2012. On average, only 4.07% of asked parliamentary questions were linked to EU topics between 2002 and 2015<sup>75</sup>.

**Figure 19: Percentage of PQs on EU affairs (asked), Chamber of Deputies, 2002-2015**



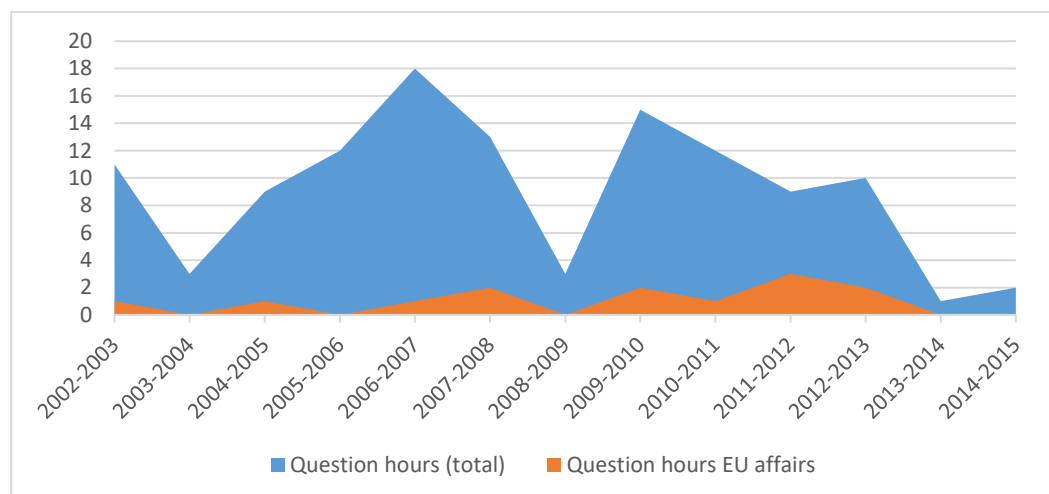
Source: Own calculations based on the annual analytical tables provided by the Chamber of Deputies, <http://www.chd.lu/wps/portal/public/Accueil/TravailALaChambre/SeancesPubliques/ComptesRendusSeances> (last accessed 05.07.2019)

The evolution of the number of question hours on EU affairs also shows to what extent MPs use parliamentary instruments to scrutinise their government's EU policy. The total number of question hours is fluctuant. While in 2002-2003, 11 question hours were organised, they dropped to 3 in 2003-2004 and increased to 18 in 2006-2007. Another drop in the total

<sup>75</sup> Calculation of the average percentage of parliamentary questions on EU topics for the period running from the legislative period 2002-2003 until 2014-2015.

number of question hours can be observed after 2013. Question hours on EU affairs were not systematically organised in every parliamentary session. The context of the economic crisis fuelled more debates in parliament, as shown in the graph below (figure 20). Overall, opposition groups used the most question hours during negotiations on the treaties. Reasons could be their lack of resources, which prevented a good access to information. The lack of information obliged them to use other channels to interact directly with ministers.

**Figure 20: Proportion of question hours on EU affairs compared to total number of question hours (in total), Chamber of Deputies, 2002-2015**



Source: Own calculations based on the annual analytical tables provided by the Chamber of Deputies, <http://www.chd.lu/wps/portal/public/Accueil/TravailALaChambre/SeancesPubliques/ComptesRendusSeances> (last accessed 05.07.2019)

The analysis of the use of diverse parliamentary instruments over the period running from 2002 to 2015 showed that effective parliamentary involvement in EU affairs was fluctuant. Instruments to scrutinise the Government's EU policy are not used frequently. Apart from the increasing number of EAC meetings, parliamentary work in the Chamber of Deputies focuses more on domestic issues rather than on EU affairs. As the graphs themselves do not provide any explanation on motivations underpinning MPs' involvement in EU affairs, we will give some possible reasons in the next section.

### *5.3.2.2 Reasons for MPs' (non) involvement in EU affairs*

If we cross interviews with the statistics obtained from the Chamber of Deputies, we find that the trends observed in the previous section can be found in the arguments of interviewees. Firstly, if we come back to the institutional factors, we observe that the Chamber's formal capacities as well as MPs' status within parliament seem to affect the latter's involvement in EU affairs. Indeed, all interviews mention the small size of the Chamber and consequently the lack of resources of the parliamentary administration and the political groups as reasons for MPs' lacking involvement in EU affairs. For example, the lack of collaborators in the parliamentary groups represents a hurdle for the preparation of EU dossiers and the acquisition of knowledge on EU matters. MPs seem to be obliged to make more efforts in order

to prepare themselves, which implies for them a higher workload, less specialisation opportunities and less expert knowledge on EU dossiers (Interview 2, 2017). The overwhelming quantity of EU documents received by the Chamber of Deputies represents a challenge for MPs and decreases their enthusiasm for EU topics (Interview 10, 16, 2017). Moreover, multiple committee memberships and overlapping mandates reduce the time spent on EU dossiers. Indeed, the type of committee seems to influence MPs' involvement in EU affairs. Parliamentarians from sectoral committees admit that despite the decentralised scrutiny infrastructure, some of them either do not deal at all with EU issues, or handle them only partially depending on the topic on the agenda (Interview 15, 17, 20, 2017). An MP was member of the EAC during her last mandate, but does not belong to the committee anymore. She admits that once she switched to sectoral committees only, her time dedicated to EU affairs shrank drastically (Interview 15, 2017).

Lack of time affects clearly MPs' activities. The EU bulletin, edited by the permanent representative of the Chamber in Brussels, is rarely taken into account by MPs from sectoral committees (Interview 14, 20, 2017). The bulletin is distributed among all parliamentarians and parliamentary staff, but interviews showed that only MPs dealing more frequently with EU issues read the newsletter, mostly EAC members. Even then, they tend to read only the sections either that concern a topic on their political agenda, their field of competence or their interests. The reason could be the low impact that the EU bulletin tends to have on parliamentary work and MPs' lack of time due to the small size of their scrutiny infrastructure (Interview 8, 2017).

In general, MPs' ex-ante involvement is still underdeveloped according to a collaborator from the LSAP parliamentary group (Interview 13, 2017). MPs do not take position on a European matter before it arrives in the Chamber and tend to wait until the legislative act needs to be transposed in the national legislation. This reactive behaviour depends mostly on their political will that determines the moment and degree of involvement. Often, the political will to engage in EU affairs is absent. According to an interviewee, the reason lies in the fact that MPs are conscious about their limited influence on both national and European decision-making. The Government remains the predominant player in EU politics in Luxembourg. Scrutiny tools as fixed in the parliamentary procedures and the agreement between the Chamber and the Government are seen as inefficient. Indeed, the annual debates in the Chamber on the Government's foreign and EU policy do not lead to concrete decisions. Debates are seen as nothing more than window-dressing, where parties' reactions to the discourse of the Minister for Foreign and European affairs can be anticipated (Interview 8, 2017). In fact, the lacking use of parliamentary instruments can be explained by MPs' awareness that decisions on EU matters might be already settled at ministerial level before documents enter the Chamber of Deputies (Interview 15, 2017). Parliamentarians know that their lever of action is reduced and tend to remain on the sideline, which diminishes their critical thinking and the overall discussion culture within the Chamber of Deputies. The chamber's small size and its lack of resources enhance this feeling of powerlessness.

Moreover, this situation is reinforced by the tendency for most MPs, be it from the majority or the opposition, to support their Government's EU policy. Indeed, the consensual political system gives little space to conflicts between majority and opposition (Interview 3, 10,

17, 2017). The Chamber of Deputies usually supports the Government's position on the European level. EU affairs in Luxembourg tend to be less controversial than in other countries. The absence of political divergence on EU affairs can be explained by the country's small size and geographical position. The European Union represents an essential arena where Luxembourg can exert its influence, which explains why Parliament and Government focus on seeking compromises in order to project the image of a coherent national EU policy on the European level. This translates for instance into the attribution of parliamentary reports on EU issues to opposition MPs whenever the latter possess the required expertise (Interview 10, 2017).

On the contrary, this situation would never happen in the Austrian National Council, where the majority usually keeps the control over reports. However, the consensual practices in the Chamber of Deputies remain limited to the level of expertise, which means that compromises are sought whenever the competences of an opposition MP are useful for the majority and whenever there is certainty that the MP's group will support the majority vote. Generally, consensual practices within the Chamber of Deputies happen in areas of common interests or general guidelines and less on hot topics such as financial matters for instance. Political competition is less oriented towards EU politics than towards domestic and local issues. During EU and intergovernmental treaty negotiations, political affiliation passes behind national interests. Thus, the absence of conflicts on EU matters decreases MPs' incentives to use scrutiny instruments, because compromises are reached ex-ante. Overall, the absence of competition limits parliamentary involvement. The consensual culture between parliament and government is particularly strong whenever Luxembourg holds the EU Presidency. According to a former MP, the Chamber of Deputies tended to slow down its scrutiny procedure during Luxembourg's EU Presidencies in order for the Government to mobilise its resources without being hindered by parliament (Interview 10, 2017).

More than the awareness of their limited role in EU affairs, it is the awareness about the significance of EU issues that might also affect MPs' involvement. In general, MPs' engagement in EU affairs depends on their perception about national parliaments' role in the EU, about European integration and its impact on the national level. In Luxembourg, there is a consensus that European integration represents an added-value for the country. The general perception about European integration is positive and the support for federalisation and deeper integration is strong. There is also a general idea that the European Parliament should play an important role. Luxembourg as one of the founding countries of the EU has no real Eurosceptic party, its population has one of the strongest pro-European opinion in the EU and political consensus on EU affairs is strong. Most MPs, either EAC or sectoral committee members, generally agree that awareness about EU affairs rose over the last decades, especially since the Convention on the Future of Europe and the Treaty establishing a Constitution for Europe (Interview 10, 20, 2017). MPs seem to make more efforts to include EU affairs in their daily parliamentary work (Interview 14, 2017).

Awareness among Luxembourgish MPs about European integration seem to follow two different trends. On the one hand, we observe that awareness about EU affairs seems to stay rather low on the long-term. On the other hand, we notice that punctually, peaks of awareness

emerge within the Chamber, each time related to specific events on the European level (EU and intergovernmental treaties). MPs are generally conscious that EU politics become more and more intertwined with domestic politics. This punctual awareness might explain the fluctuation of parliamentary activity over the period running from 2002-2003 to 2014-2015. Awareness about EU issues might be triggered significantly by events external to the Chamber of Deputies that impact directly MPs' interests (Interview 3, 10, 2017). According to an EAC member, the challenge is to identify the political stakes that emerge from a complex EU matter, which does not require to specialise, but rather to keep a general overview and to focus on crucial issues (Interview 8, 2017). Awareness about EU affairs is also generation-dependent according to another MP (Interview 3, 2017). Whether MPs stayed for a long time in parliament or not, and whether they are personally interested in EU affairs influences their degree of involvement. MPs with long-lasting mandates perpetuate practices of EU scrutiny that become part of the parliamentary culture. Whenever senior MPs leave parliament, this heritage of routinisation of EU scrutiny gets lost.

EU affairs are perceived as requiring specialised knowledge due to their increasing complexity (Interview 3, 6, 15, 2017). Specialised knowledge is required whenever technical issues appear on the agenda. While EAC members are not able to deal with technical directives due to their generalist profile and lack of knowledge on specific public policies, members from sectoral committees struggle to understand EU matters due to their lack of knowledge on EU policies. Due to the latter's complexity, MPs often rely on the support of the parliamentary administration and collaborators of parliamentary groups to draft reports on EU documents. The subsidiarity monitoring represents a particular challenge for sectoral committees, which are usually overwhelmed by the technicity of EU matters due to their lack of expertise and resources (Interview 6, 2017). Both MPs from sectoral committees and the EAC admit that EU affairs are not attractive, neither to MPs nor to citizens, because they are hardly understandable and have almost no media impact (Interview 6, 15, 2017). For MPs, the absence of mediatisation and publicisation of EU affairs represents a limit to their involvement, because they cannot gain their voters' support. Thus, on the short-term, EU affairs seem far away from most MPs' priorities, which are still focused on domestic matters and re-election prospects. Individual strategies and the use of EU affairs for their own domestic interests seem to be prevalent for most MPs belonging to sectoral committees. Despite regular discussions on EU issues within the Chamber of Deputies, a lack of enthusiasm is present.

For those MPs that do not belong to the "Europeanised" group but are still involved in EU affairs, the reasons of involvement are eclectic: some focus on national issues, but deal with EU affairs whenever they are directly related to their topics of interest or competence (Interview 11, 15, 2017); some others rely on their personal experiences and justify their involvement with their personal interest for EU affairs (Interview 2, 2017); another MP admits that his involvement in EU affairs bases on his curiosity about meeting personalities such as the Minister for Foreign and European Affairs (Interview 11, 2017). Overall, these MPs are not genuinely interested in EU affairs, but get involved for rational and strategical reasons. On the contrary, MPs with "Europeanised" profiles justify their involvement in EU affairs with their deep-rooted interest for these matters, which prevails over domestic interests (Interview 3, 4, 2017). "Europeanised" MPs have generally regular contacts with actors dealing with EU affairs,

for instance privileged networks on the EU level. The automaticity of exchanges with EU institutions, International Organisations, colleagues from other parliaments, the Permanent Representation of Luxembourg in Brussels or MEPs allows to be constantly in touch with EU matters and to maintain the level of awareness about EU issues. EAC members benefit from informal meetings and ex-ante information coming directly from the EU level. For majority MPs, access to information might be even easier, because they can benefit from contacts with government civil servants from the Luxembourg Permanent Representation. For instance, the current EAC Chair has regular contacts with the representative of the European Commission in Luxembourg (Interview 4, 2017). The EAC Chair also admits that contact is easy with the Permanent Representation of Luxembourg in Brussels. However, this is because the EAC Chair belongs to the majority, hence the possibility to maintain regular exchanges. The EAC Chair also built an extensive network of personal contacts with MPs from other national parliaments, as well as civil servants from the European Parliament. Those MPs maintaining contacts with other MPs from the same political family within International Organisations (Council of Europe) are usually current or former EAC members. MEPs come mainly to EAC meetings rather than sectoral committees, which confirms the fact that a minority of MPs has privileged access to information using non-institutionalised means.

### *5.3.3 Discussion and conclusions*

The third part of this chapter analysed MPs' political and sociological profile, focusing especially on those identified as key players and dealing more often with EU affairs. Socio-demographic indicators gave insight into opportunities and constraints of MPs' parliamentary activity. We observe that both MPs' motivations and their institutional environment affect parliamentary involvement. The use of parliamentary instruments is dependent on MPs' institutional framework, on their sociological background and on their perception of EU affairs and the role of their parliament. The Chamber's formal capacities, the resources of parliamentary groups, MPs' positions within parliament, the constellation and relationship of political forces on the national level are institutional factors that lay the foundation of parliamentary involvement in EU affairs. Whether an MP is in the majority or the opposition, he/she benefits from different resources and access to information. Moreover, the consensual political system limits competition between parties, which tend to support the Government's EU policy. Relations with national unions seem to affect MPs' behaviour via consociationalist and neocorporatist practices.

On top of these elements, MP's profiles, awareness and opinion about EU affairs form their personal motivations that influence their political will to get involved. Both motivations and institutional framework evolve depending on national and European events. For example, on the national level, peaks in the use of parliamentary instruments can be explained by the salience of EU treaties and legislative elections. Indeed, an increase in the number of EAC meetings, parliamentary questions and motions on EU affairs is observable during the periods 2003-2004, 2009-2010 and 2013-2014. These dates correspond each time to negotiations on EU treaties and intergovernmental treaties on the EMU that led to procedural reforms within



the Chamber of Deputies<sup>76</sup>, but also to legislative elections<sup>77</sup>. On the European level, these dates correspond to discussions on the Treaty establishing a Constitution for Europe between 2002 and 2004, the Treaty of Lisbon between 2006 and 2009, the ESM and the TSCG between 2011 and 2012.

The general trend in parliamentary activity according to interviewees speaks in favour of a mainstreaming of EU affairs within the Chamber of Deputies. Sectoral committees seem to receive more EU documents. However, if we observe who uses mostly parliamentary instruments linked to EU matters, we see that involvement is restrained to a specific category of MPs, especially during these peaks of activity. The most “Europeanised” parliamentarians tend to become even more active during these periods. The rest still focuses on domestic issues, aiming re-election on the national level. Effective involvement in EU affairs shows different trends. Most interviewees agree that EU issues are still reserved to a minority in parliament (Interview 3, 17, 2017). This assumption speaks in favour of sub-hypothesis H2.1. Some civil servants from the parliamentary administration point out that involvement in EU affairs depends mostly on individual charisma and initiatives (Interview 1, 2017). For instance, during the legislative period 2009-2013, MPs tended to deal more often with EU affairs because the EAC Chair encouraged them to do so, through constant dialogue with the chairs of the sectoral committees. The charisma of the MP holding the EAC Chair thus influenced the creation of alliances with other committee chairs, which triggered more awareness about EU issues. The new EAC Chair that took over the position during the legislative period 2013-2018 actively promoted EU affairs within Parliament, but had to face a lack of political union and coordination between committee chairs (Interview 1, 2018). Involvement, even though triggered by individual MPs, depends on personal willingness.

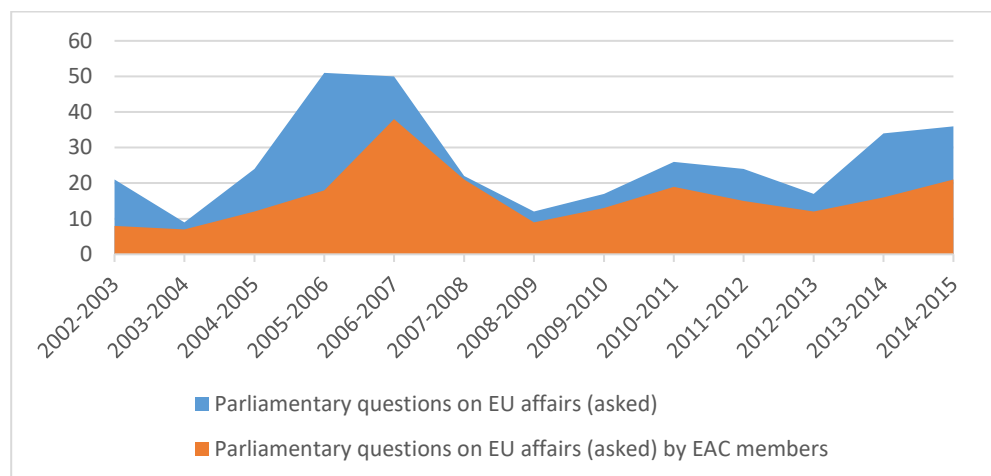
Sociological Institutionalism, more specifically the motivational approach, permitted to identify an ideal-typical “Europeanised” MP. We observed through this approach that MPs with “Europeanised” profiles are the most active both in EU affairs and during negotiations on the studied treaties. On top of being leaders in parliamentary activity, they also endorse the role of “political entrepreneurs” of change, as defined by the Theory of Endogenous Institutional Change. “Political entrepreneurs” typically take initiatives towards more involvement in EU affairs within the Chamber of Deputies. Generally, they were senior MPs with extensive knowledge on parliamentary procedures, belonged to the majority, were EAC members, EU speakers and/or chairs of sectoral committees, participated in numerous interparliamentary cooperation formats such as COSAC, had regular contacts with MEPs and their collaborators and were the main spokespersons of their group for EU affairs. Overall, EAC members are more involved in EU affairs because these issues remain centralised in the EAC and are only rarely delegated entirely to sectoral committees. The predominance of EAC members over parliamentary activity in EU affairs is shown in the graph below (figure 21).

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<sup>76</sup> Reforms of the RoP within the Chamber of Deputies happened in 2003, 2009 and 2014.

<sup>77</sup> Legislative elections in Luxembourg were organised in 2004, 2009 and 2013.

**Figure 21: Number of PQs on EU affairs submitted by EAC members (in total), Chamber of Deputies, 2002-2015**



Source: Own calculations<sup>78</sup>

Whether an MP belongs to the EAC or a sectoral committee, whether an MP chairs a committee or not, holds the presidency of a parliamentary group or has a long-term mandate determines his/her level of involvement in EU affairs. The longer the mandate and the longer the membership in the EAC, the more likely MPs are keen to perpetuate higher activity with regard to EU affairs. Those MPs that were identified as less involved in EU affairs, usually those belonging to sectoral committees and/or the opposition, tend to focus more on re-election prospects, which confirms the rational calculation argument present in the Theory of Endogenous Institutional Change. Political competition does not seem to play a big role in the Chamber of Deputies, mostly because of the consensual political system. These elements show that parliamentary involvement depends to a large extent on individual motivations and strategies, and less on aggregated interests. Personal profiling in Parliament seems to be more determinant in MPs' involvement than political competition between opposition and majority.

While Sociological Institutionalism permitted to detect the reasons underpinning parliamentary involvement, the Theory of Endogenous Institutional Change helped explaining the role of individual strategies in parliamentary activity. Through statistical data, parliamentary documents and interviews, we were able to show that a gap exists between formal procedures, MPs' motivations and effective parliamentary activity. The gap between formal rules and their implementation observed in the previous section (5.3.2) might push "political entrepreneurs" to trigger reforms. The question is then to know if these reforms were triggered because of

<sup>78</sup> The proportion of parliamentary questions on EU affairs submitted by EAC members was calculated individually for each parliamentary session between 2002-2003 and 2014-2015 on the basis of the parliament's website: [http://www.chd.lu/wps/portal/public/Accueil/TravailALAChambre/Recherche/RoleDesAffaires!/ut/p/z1/IZFNbsJADIXPwgEqO56QhOWQFHcIoSVRBjlbNKUBjRR-hFIq9fQlqlu2i7T1ztb3nvxsMLACc7AXt7OtOx5sc-0rE6wJJ1pPiGvEqHkoS5yFQhMPVjeAPxWEsc5jQUIPxKY\\_-u\\_Ov1N3wOYfvsImBuSUKJz5RNG8YhQ8WKWxt4QuRA\\_AQ4XPtL0fhqWxVzwKpgE-m7w2xbVNUW4fvKy6CGOMGNWCUqRpiHzTCD5UHQebn9q3Ma12fGlbqBqz691N7ab7llQbV3T1mft6jc47ctyhU7d2ed3KQeDD4A2HII!/p0/IZ7\\_P1M8HC80MGGID0A3KK7GGL3024=CZ6\\_20FVVF2GARU220AG5VSRI630K1=LA0=Ejavadoc.action!filter=/?reInitFilter=4&filter=7&filterStatus=1&filterPeriod=2&filterAuthor=1&filterAdresse=1&sortType=2&sortReversed=true#Z7\\_P1M8HC80MGGID0A3KK7GGL3024](http://www.chd.lu/wps/portal/public/Accueil/TravailALAChambre/Recherche/RoleDesAffaires!/ut/p/z1/IZFNbsJADIXPwgEqO56QhOWQFHcIoSVRBjlbNKUBjRR-hFIq9fQlqlu2i7T1ztb3nvxsMLACc7AXt7OtOx5sc-0rE6wJJ1pPiGvEqHkoS5yFQhMPVjeAPxWEsc5jQUIPxKY_-u_Ov1N3wOYfvsImBuSUKJz5RNG8YhQ8WKWxt4QuRA_AQ4XPtL0fhqWxVzwKpgE-m7w2xbVNUW4fvKy6CGOMGNWCUqRpiHzTCD5UHQebn9q3Ma12fGlbqBqz691N7ab7llQbV3T1mft6jc47ctyhU7d2ed3KQeDD4A2HII!/p0/IZ7_P1M8HC80MGGID0A3KK7GGL3024=CZ6_20FVVF2GARU220AG5VSRI630K1=LA0=Ejavadoc.action!filter=/?reInitFilter=4&filter=7&filterStatus=1&filterPeriod=2&filterAuthor=1&filterAdresse=1&sortType=2&sortReversed=true#Z7_P1M8HC80MGGID0A3KK7GGL3024) (last accessed 28.02.2018).

discrepant value perception according to Sociological Institutionalism, or because of divergent interests according to the Theory of Endogenous Institutional Change. European treaties might represent opportunities for such changes. The following parts will focus on the relationship between MPs' motivations, parliamentary activity and institutional change within the Chamber of Deputies during EU and intergovernmental treaty negotiations.

#### 5.4 Evolution of parliamentary involvement in the context of negotiations on the Treaty establishing a Constitution for Europe (2002-2006)

Basing on the previous sections, we will check in this part how the Treaty establishing a Constitution for Europe triggered parliamentary activity and institutional change within the Chamber of Deputies. The first section will analyse parliamentary activity in the framework of negotiations on the Constitutional Treaty. By measuring the level of parliamentary activity and the reasons underpinning it, we will test elements from the two first hypotheses. Firstly, the polarisation level between the parties on the treaty might have affected MPs' level of activity (H1). We assume as well that the salience of the treaty might have encouraged mainstreaming trends (H2). The second section will then focus on the Constitutional Treaty as an opportunity to trigger institutional change within the Chamber of Deputies (H3).

##### *5.4.1 Parliamentary involvement in the framework of the negotiations on the Constitutional Treaty*

###### **General context**

The Treaty establishing a Constitution for Europe marked a turning point in parliamentary involvement in EU affairs within the Chamber of Deputies. Indeed, since the debates in the Convention on the future of Europe, EU affairs started to be handled more systematically by MPs (Interview 20, 2017). The political context in Luxembourg contributed somewhat to the increased attention on EU issues, both from the side of parliamentarians and the population. On 13<sup>th</sup> June 2004, legislative elections were organised, during which the CSV party massively gained popularity for the first time since 1984, while the sovereignist party ADR lost voices (Dumont/Poirier, 2005). The CSV obtained 24 seats in parliament. The LSAP came back to majority after five years of being in the opposition, gaining 14 seats in parliament. The party Déi Lénk lost its mandates in parliament.

**Table 11: Parties' representation in the Chamber of Deputies (2004-2009)**

<b>Party</b>	<b>Number of seats in parliament (2004)</b>
<b>CSV</b>	24
<b>LSAP</b>	14
<b>DP</b>	10
<b>Déi Gréng</b>	7
<b>ADR</b>	5

Source: Own calculations<sup>79</sup>

Following these results, a coalition government was formed between the CSV and the LSAP, Jean-Claude Juncker becoming the Prime Minister and Jean Asselborn Vice-Prime Minister and Minister for Foreign Affairs. On 10<sup>th</sup> September 2004, Jean-Claude Juncker was nominated President of the Eurogroup. On top of this, Luxembourg held the EU Presidency in the first semester of 2005. The EU enlargement of May 2004 accelerated discussions on reforms of the European institutional architecture. The negotiations on the Constitutional Treaty represented at that time a major challenge for Luxembourg, as the ratification of the Treaty would mean a confirmation of the country's firm support to the European integration process<sup>80</sup>. The organisation of a referendum in 2005 in Luxembourg on the Constitutional Treaty can be seen as a means to reinforce the pro-European feeling in the country and trigger higher involvement in EU affairs.

The follow-up of the treaty within the Chamber of Deputies started in 2003, when the prior governmental coalition CSV-DP decided on the 27<sup>th</sup> June 2003, after the European Council of Thessaloniki (IGC) on 19<sup>th</sup> and 21<sup>st</sup> June 2003, to submit the treaty to a national referendum. The decision to organise a referendum aimed to finalise Luxembourg's future EU Presidency in 2005 with a proof that the country is a model in terms of support to European integration. At that time, the public opinion was very positive about the EU. Luxembourg's leaders wanted to encourage deeper integration and obtain at the same time a higher legitimacy from the population to support the European project. The freshly elected coalition CSV-LSAP decided in its governmental declaration on 4<sup>th</sup> August 2004 to maintain the referendum on the Constitutional Treaty after the first vote of the Chamber of Deputies. On the 5<sup>th</sup> August 2004, the Chamber adopted a motion submitted by a DP MP supporting the government's decision to organise a political debate and a referendum on the Constitutional Treaty<sup>81</sup>. The motion explicitly aimed to place Luxembourg in the lead group of countries that ratified the treaty. The motion requested from the Government to fix a date for the referendum. At that time, during summer 2004, 88% of the Luxembourgish population supported the ratification of the

<sup>79</sup> On the basis of the election results, see [http://www.elections.public.lu/content/dam/elections/fr/elections-legislatives/2004/resultats-officiels/Resultats\\_LEG\\_2004.pdf](http://www.elections.public.lu/content/dam/elections/fr/elections-legislatives/2004/resultats-officiels/Resultats_LEG_2004.pdf) (last accessed 01.03.2018).

<sup>80</sup> See the governmental declaration by Jean-Claude Juncker,

“Déclaration du Premier ministre Jean-Claude Juncker portant sur le programme gouvernemental (4 août 2004) », <http://www.sante.public.lu/fr/publications/d/declaration-gouvernementale-2004-fr-lb/index.html> (last accessed 01.03.2018).

<sup>81</sup> See the motion “Organisation d'un débat politique et d'un référendum sur la Constitution européenne », Grethen Henri, 05.08.2004, [http://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=/export/exped/sexdpata/Mag/084/587/058836.pdf](http://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=/export/exped/sexdpata/Mag/084/587/058836.pdf) (last accessed 01.03.2018).

Constitutional Treaty according to the Eurobarometer<sup>82</sup>. However, the support dropped in October 2004 to 60% according to a survey led by TNS-ILRES (Dumont/Fehlen/Kies/Poirier, 2007).

On 10<sup>th</sup> November 2004, the Ministry for Foreign Affairs alongside with the Conference of Presidents of the Chamber of Deputies decided about the date of the referendum on 10<sup>th</sup> July 2005. Tensions emerged between the political parties from the majority and the opposition on the date of the referendum. While the Prime Minister suggested organising it during the Luxembourgish EU Presidency in order to sensitise the population on these issues, the final decision of the Foreign Affairs Minister and the presidents of the parliamentary groups fell on a date right after the termination of the EU Presidency. On 20<sup>th</sup> January 2005, the Chamber of Deputies voted by unanimity a framework law on the organisation of national referenda<sup>83</sup>. On 09<sup>th</sup> February 2005, the Prime Minister transferred to the Council of State both draft bills on the ratification of the Treaty establishing a Constitution for Europe and on the organisation of a national referendum on the Constitutional Treaty. The Ministry for Foreign Affairs and Immigration then submitted the latter draft bill to the Chamber of Deputies on the 18<sup>th</sup> February 2005.

Within Parliament, the Committee on Institutions and Constitutional Revision examined the draft bill on the national referendum on 02<sup>nd</sup> March 2005, sending amendments to the Council of State. The EAC examined the draft bill ratifying the Constitutional Treaty on 07<sup>th</sup> March 2005. The Chamber received the positive opinion of the Council of State on the 22<sup>nd</sup> March and the Committee on Institutions and Constitutional Revision approved it on 24<sup>th</sup> March 2005. Moreover, the Ministry of Foreign Affairs submitted the draft bill ratifying the Constitutional Treaty to the Chamber of Employees and the Workers' Chamber on 31<sup>st</sup> March 2005. Both chambers expressed their support for the treaty. Finally, the Chamber adopted unanimously the special law on the organisation of a referendum on the Constitutional Treaty on 12<sup>th</sup> April 2005 during a plenary session<sup>84</sup>. On 28<sup>th</sup> June 2005, the Chamber of Deputies proceeded with the first vote on the draft bill ratifying the Constitutional Treaty. The Business Chamber gave a favourable opinion on the Constitutional Treaty on 09<sup>th</sup> May 2005. The EAC produced a report on the draft bill ratifying the Constitutional Treaty on 06<sup>th</sup> June 2005, which was then debated and adopted in plenary session on 28<sup>th</sup> June 2005. A resolution submitted by an LSAP MP and requesting a second parliamentary vote on the treaty only in case of a positive result in the referendum was unanimously adopted in the Chamber on 8<sup>th</sup> June 2005<sup>85</sup>. The conditionality of the second parliamentary vote linked to the results of the referendum

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<sup>82</sup> See Eurobarometer 159 p. 30, June 2004, « The future European Constitution (Wave 2) », <http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/yearFrom/1974/yearTo/2004/surveyKy/395> (last accessed 01.03.2018).

<sup>83</sup> See « Loi du 4 février 2005 relative au référendum au niveau national », <http://legilux.public.lu/eli/etat/leg/loi/2005/02/04/n1/jo> (last accessed 01.03.2018).

<sup>84</sup> See « Loi du 14 avril 2005 portant organisation d'un référendum national sur le Traité établissant une Constitution pour l'Europe, signé à Rome, le 29 octobre 2004 », <http://legilux.public.lu/eli/etat/leg/loi/2005/04/14/n1/jo> (last accessed 01.03.2018).

<sup>85</sup> « Résolution de M. Ben Fayot sur la décision de ne procéder à un second vote constitutionnel qu'en cas d'approbation populaire du Traité établissant une Constitution pour l'Europe », 08.06.2005.

represented a novelty for the Parliament<sup>86</sup>. After the first vote of the Chamber at the end of June, the referendum was finally organised on the 10<sup>th</sup> July. The results were debated in plenary on 12<sup>th</sup> July and the Chamber proceeded with a second vote on 25<sup>th</sup> October 2005.

### **The national referendum on the Treaty establishing a Constitution for Europe**

Overall, the Constitutional Treaty was widely supported by most political parties in Luxembourg. Before the referendum in 2005, all parties represented in Parliament and Déi Lénk agreed on most aspects of the treaty. Positions on the treaty were thus rather consensual and the polarisation level quite minimal (Eschke/Thomas Malick, 2006). However, even though consensual practices prevailed, the situation changed during the referendum campaign in 2005. Two camps formed: pro-Europeans and treaty opponents defending their national interests. Major topics discussed by MPs were institutional questions, such as the issue of national sovereignty, the subsidiarity monitoring, the cooperation mechanisms between Member States in the field of Justice and Home Affairs, the EU's democratic nature and social issues.

Most Luxembourgish MPs agreed that the European Parliament should obtain more competences and that Luxembourg should preserve its European Commissioner and its six members in the European Parliament<sup>87</sup>. Voting rules (unanimity versus qualified majority) in European Institutions were also at the centre of debates, as well as the transparency of the European decision-making process. Voting rules in taxation and social security were for example an important topic for Luxembourg. Luxembourg requested for instance during the Intergovernmental Conference on the Constitutional Treaty to come back to the unanimity rule in the fields of administrative cooperation and the fight against tax fraud, while big Member States defended qualified majority<sup>88</sup>. The role of national parliaments, especially the strengthening of their formal capacities in the framework of the subsidiarity monitoring, was an important element pointed out in the report produced by the EAC in June 2005<sup>89</sup>. The Luxembourgish delegation to the IGC also refused strict criteria with regard to the strengthened cooperation in the CFSP<sup>90</sup>. The democratic and social questions were especially relevant for the LSAP, DP and Déi Lénk. The nature itself of the treaty was also a subject of discussion, as the ADR and Déi Lénk refused to qualify it as a Constitution (Interview 14, 2017). The Council of State itself stated that the Constitutional Treaty should be considered as a simple treaty and not as a classical constitution in light of its authors and origin<sup>91</sup>.

The Chamber of Deputies decided to launch the official referendum campaign on 22<sup>nd</sup> March 2005. Luxembourg organise few referenda in the past, hence the significance of the event

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<sup>86</sup> See the report produced by the EAC, « Projet de loi portant approbation du Traité établissant une Constitution pour l'Europe, des Protocoles annexés au Traité établissant une Constitution pour l'Europe, des Annexes I et II et de l'Acte final, signés à Rome, le 29 octobre 2004 ; Rapport de la Commission des Affaires Etrangères et Européennes, de la Défense, de la Coopération et de l'Immigration », 06.06.2005.

<sup>87</sup> See the report produced by the EAC, « Projet de loi portant approbation du Traité établissant une Constitution pour l'Europe, des Protocoles annexés au Traité établissant une Constitution pour l'Europe, des Annexes I et II et de l'Acte final, signés à Rome, le 29 octobre 2004 ; Rapport de la Commission des Affaires Etrangères et Européennes, de la Défense, de la Coopération et de l'Immigration », 06.06.2005.

<sup>88</sup> Ibid. ; EAC meeting 30.01.2004 (A-CHD-P-2004-O-AEED-6).

<sup>89</sup> Ibid.

<sup>90</sup> EAC meeting 04.02.2004 (A-CHD-P-2004-O-AEED-7).

<sup>91</sup> Ibid.

for the Parliament, with crucial stakes for Luxembourg's image as a pro-European country. At the beginning of the referendum campaign, a collective movement for the "No" was established, the "Committee for the No", that was predominantly composed of radical-left movements. Promoters of this movement were mostly NGOs that reproached the treaty to constitutionalise neo-liberalism in the EU, to encourage social, fiscal and environmental dumping and to result from non-democratic decision-making procedures (Dumont/Fehlen/Kies/Poirier, 2007). Even though the left-wing parties in Luxembourg criticised some aspects of the Constitutional Treaty, they had only a limited impact, as none of them was represented in Parliament apart from the ADR. In general, contestants, but also promoters of the Constitutional Treaty, were not homogeneously organised. Indeed, diverging interests could be found between and within parties, for instance within the Déi Gréng party. The "Committee for the No" grouped contestants with different political backgrounds, some coming from left, social-democrat or sovereignist movements (Interview 14, 2017). Some contestants from this committee joined the ADR later on.

Before the launch of the Parliament's campaign, the EAC discussed organisational matters<sup>92</sup>. EAC members planned information meetings on the new treaty with citizens. Parliament sought to publicise the referendum. Discussions with experts made the treaty understandable to the Luxembourgish population. According to a CSV MP, Luxembourg should have an interest to become one of the first countries to launch national discussions on the Constitutional Treaty<sup>93</sup>. The idea was also to use the Chamber's TV channel in order to touch more citizens. The nature itself of the referendum was a controversial topic within the EAC, as ADR members wished to organise a decisional referendum, while the majority of MPs was in favour of a consultative referendum<sup>94</sup>. Suggestions concerning the campaign were also oriented towards the organisation of three public hearings in Parliament in March and April 2005, before the first vote on the draft bill<sup>95</sup>. An ADR EAC member proposed to distribute the treaty text to the population, while an MP from Déi Gréng pleaded for the establishment of a website dedicated to the referendum campaign<sup>96</sup>. An internet forum was established on 5<sup>th</sup> May 2005 that allowed discussions on the treaty after each hearing on topics such as the ideological orientation of the treaty, citizenship, economy, social affairs and labour<sup>97</sup>.

The first hearing on the Constitutional Treaty organised by the Chamber of Deputies took place on the 22<sup>nd</sup> April 2005 and dealt with "Democracy in the EU"<sup>98</sup>. Civil society, MPs from different political affiliations and MEPs participated in the hearing. Further hearings were organised as planned by the EAC on 29<sup>th</sup> April on the "Social and ecological Europe" and on

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<sup>92</sup> See EAC meeting 11.10.2004 (A-CHD-P-2004-O-AEEDC-06), 29.11.2004 (A-CHD-P-2004-O-AEEDC-12, A-CHD-P-2004-O-COSAC-01), 28.02.2005 (A-CHD-P-2005-O-AEDCI-31) and 07.03.2005 (A-CHD-P-2005-O-AEDCI-33).

<sup>93</sup> See EAC meeting 11.10.2004 (A-CHD-P-2004-O-AEEDC-06).

<sup>94</sup> See EAC meeting 29.11.2004 (A-CHD-P-2004-O-AEEDC-12, A-CHD-P-2004-O-COSAC-01); 12.04.2005, 29<sup>th</sup> plenary session, TOP 6: 5443- Projet de loi portant organisation d'un referendum national sur le Traité établissant une Constitution pour l'Europe, signé à Rome, le 29 octobre 2004.

<sup>95</sup> See EAC meeting 07.03.2005 (A-CHD-P-2005-O-AEDCI-33).

<sup>96</sup> See EAC meeting 28.02.2005 (A-CHD-P-2005-O-AEDCI-31).

<sup>97</sup> See Compte-rendu des séances publiques N°8, session ordinaire 2004-2005, Chambre des Députés du Luxembourg

<sup>98</sup> See EAC meeting 22.04.2005 (A-CHD-P-2005-O-AEDCI-40).



06<sup>th</sup> May 2005 on “The EU’s engagement for peace”<sup>99</sup>. In these hearings, the civil society composed of trade unionists, members of the “Committee of the No”, members of industrial federations, foundations, public and private persons were present and exposed their opinion on the treaty. The results of these hearings were then incorporated in the EAC’s report on the Constitutional Treaty, which was adopted in June 2005. Apart from the hearings in Parliament, individual MPs were also participating in public meetings across the country to explain the treaty to citizens, as well as in television and radio shows. The Chamber’s TV broadcasted for instance debates at the end of June and beginning of July 2005 between MPs from the CSV, DP and LSAP groups<sup>100</sup>. Hearings and public meetings organised by Parliament were respecting a balanced representation of opinions according to some interviewees (Interview 14, 2017). Overall, the whole parliament got actively involved in the referendum campaign (Interview 4, 10, 2017).

During the whole campaign, the opinion of the civil society and the population played a significant role in MPs’ activism. Professional chambers (Business Chamber), trade unions (LCGB, OGBL), NGO’s (ATTAC) and other interest groups (FEDIL, UNEL, Mouvement Ecologique) contributed to the debates on the referendum by publicising their opinion<sup>101</sup>. The enthusiasm of the beginning started to waver as opinion polls became less positive in the course of 2005, dropping to 46% of citizens supporting the treaty in May 2005 according to a poll of TNS-ILRES. The pressure exerted on the parliament increased. The Chamber promised to respect the voters’ decision and made a second parliamentary vote conditional on the results of the referendum during an EAC meeting on 06<sup>th</sup> June 2005, as well as through the adoption of a resolution on 8<sup>th</sup> June and a press conference<sup>102</sup>. Debates emerged within Parliament about maintaining or not the date of the referendum. The negative results of the French and Dutch referenda represented significant challenges for Luxembourg and gave a highly symbolic value to the national referendum in July.

Overall, political positions became more chaotic in the course of the campaign. While most MPs were defending a political line supporting the European treaty, the campaign resembled more an electoral campaign where parties started to promote domestic issues rather than the Constitutional Treaty itself. Several factors can be the reason for this. Firstly, the decreasing support of the population, the widening gap between the opinion of the civil society and the political elites, and the decision to maintain the date of the referendum, pushed CSV MPs to orient their discourses towards national topics in order to convince citizens to approve the treaty (Dumont/Fehlen/Kies/Poirier, 2007). Jean-Claude Juncker even threatened to withdraw from his position as Prime Minister if the results of the referendum were negative. This decision was criticised by the DP and Déi Gréng parties, which disagreed with the strategy to mix European and national issues. Within the CSV party, the Prime Minister was the leader and the main representative of the campaign. CSV MPs relied mainly on him. The campaign became an opportunity for growing dramatization and personalisation of the national debate on

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<sup>99</sup> See EAC meeting 29.04.2005 (A-CHD-P-2005-O-AEDCI-43) and 06.05.2005 (A-CHD-P-2005-O-AEDCI-45).

<sup>100</sup> See *Compte-rendu des séances publiques N°10, session ordinaire 2004-2005*, Chambre des Députés du Luxembourg.

<sup>101</sup> See [https://www.forum.lu/referendum/rubrique238d.html?id\\_rubrique=7](https://www.forum.lu/referendum/rubrique238d.html?id_rubrique=7) (last accessed 28.05.2019)

<sup>102</sup> See EAC meeting 06.06.2005 (A-CHD-P-2005-O-AEDCI-53).



the Constitutional Treaty. MPs were using national topics to reassure their voters, keep their popularity and promote at the same time the benefits of European integration.

Trade unions were particularly influential in this setback through their strong activism. While most of them supported the treaty at the beginning of the campaign, the low support for social rights in the treaty left them disillusioned later on (Interview 14, 2017). They stopped supporting the treaty, but did not plead in favour of the “No”. Their apathy pushed some parts of the population to reject the treaty, especially in the southern part of Luxembourg, old mining area with higher rates of unemployment. The ADR also changed its opinion on the treaty. After its congress in April 2005, a majority of ADR members insisted that the party supported the “No” camp during the campaign (Dumont/Fehlen/Kies/Poirier, 2007). The pressure from their electorate probably pushed the ADR to modify its position. Overall, the consensus within the Chamber of Deputies on the Constitutional Treaty crumbled. The first parliamentary vote in the Chamber on 28<sup>th</sup> June 2005 illustrated this trend. We observed discrepant opinions within the Déi Gréng party, where single MPs rejected the treaty but had to comply with the party line that largely welcomed it. Dissensions appeared also between parties, with the ADR rejecting unanimously the treaty during the vote in Parliament. Finally, the Constitutional Treaty was adopted during the first vote with 55 voices out of 60, and during the second vote with 57 voices<sup>103</sup>.

The chaotic campaign and the inconsistent positions of the political parties might have influenced the referendum results (Interview 10, 2017). In the end, 56,52% of the population voted in favour of the treaty and 43,48% against it. The results were rather destabilising for MPs (Interview 10, 14, 2017). It showed the fracture between the population and political representatives. The gap between the elites’ visions and the public opinion were rather surprising in a country renowned for its pro-European culture. The south of Luxembourg rejected massively the treaty. Voters from this area were particularly influenced by trade unions and nationalist positions. MP’s attention shifted from European to national topics and illustrated the significance of ideological positions during the campaign.

Debates tended to separate two kinds of actors: pro-European treaty proponents and sovereignist treaty opponents (Interview 14, 2017). Political ideologies played indeed a role in MPs’ involvement in the referendum campaign and the support of the treaty. While MPs labelled as “pro-European” belonging to the CSV, DP and LSAP supported the treaty, ADR members returned to their sovereignist position in the course of the campaign, influenced by their voters. Positions were more mitigated among Déi Gréng MPs. During the last weeks of the campaign, the growing polarisation on EU matters between the ADR and the rest of the parties gave MPs a renewed impetus to defend their positions. However, even the ADR was

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<sup>103</sup> See 28.06.2005, 42<sup>nd</sup> plenary session, TOP 4: 5442 - Projet de loi portant approbation du Traité établissant une Constitution pour l'Europe, des Protocoles annexés au Traité établissant une Constitution pour l'Europe, des Annexes I et II et de l'Acte final, signés à Rome, le 29 octobre 2004, [http://www.chd.lu/wps/wcm/connect/public/6627092c-4b68-4cc9-aa40-d4366b2167c8/CR011.pdf?MOD=AJPERES&CONVERT\\_TO=url&CACHEID=ROOTWORKSPACE.Z18\\_K\\_HCC1240NODGE0AJHT6HU41083-6627092c-4b68-4cc9-aa40-d4366b2167c8-jbyxTT3](http://www.chd.lu/wps/wcm/connect/public/6627092c-4b68-4cc9-aa40-d4366b2167c8/CR011.pdf?MOD=AJPERES&CONVERT_TO=url&CACHEID=ROOTWORKSPACE.Z18_K_HCC1240NODGE0AJHT6HU41083-6627092c-4b68-4cc9-aa40-d4366b2167c8-jbyxTT3) (last accessed 02.03.2018).

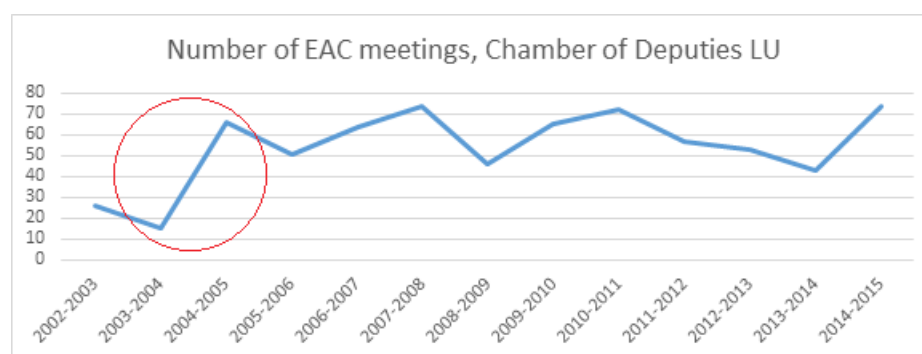
divided internally. Most MPs adopted a national-centred discourse, defending their own interests to maintain their electoral popularity. It can best be illustrated by the fact that the “national union” that was established earlier in 2005 to support the government’s actions during the EU Presidency broke apart during the referendum campaign due to domestic dissensions. To summarise, the absence of clear polarisation patterns on the Constitutional Treaty and the referendum does not permit to validate hypothesis H1. Indeed, the growing tensions in the political landscape do not mean that polarisation tendencies emerged, as the consensual culture was still predominant.

### **Analysis of parliamentary activity**

The Chamber of Deputies was particularly active during the follow-up of the negotiations on the Constitutional Treaty, especially during the referendum campaign in 2005. However, the two most involved actors in the discussions were MPs from the EAC and from the Committee on Institutions and Constitutional Revision. Between 2003 and 2005, the EAC met 20 times to discuss the Constitutional Treaty and Luxembourg’s EU Presidency. The Committee on Institutions and Constitutional Revision met 7 times to discuss the procedures to organise the national referendum on the treaty. During the same period, the Chamber met 6 times in plenary to debate on the Constitutional Treaty. The table A (see appendix 1) sums up all the meetings.

If we observe again the number of EAC meetings by taking the graph of section 6.3.2.1, we observe a drastic increase between 2003-2004 and 2004-2005, during the time where the Constitutional Treaty was up-to-date. Even though most meetings were not linked to the treaty, the European context might be at the origin of this surge of activity. Moreover, the increase could be also the result of the aftermath of the 2004 parliamentary elections, which boosted parliamentary activity. Moreover, EAC members might have met more often to prepare Luxembourg’s EU Presidency in 2005.

**Figure 22: Number of EAC meetings in the context of the Constitutional Treaty (in total), Chamber of Deputies**



Source: Own calculations based on the annual analytical tables provided by the Chamber of Deputies, <http://www.chd.lu/wps/portal/public/Accueil/TravailALaChambre/SeancesPubliques/ComptesRendusSeances> (last accessed 08.07.2019)

The same applies to parliamentary instruments on EU affairs. Between 2003-2004 and 2005-2006, the number of parliamentary questions, motions, interpellations and resolutions on EU affairs increased. A possible explanation could be that the Constitutional Treaty and the

referendum triggered higher attention on EU issues and pushed to more involvement in this field. The evolution of the number of parliamentary questions on EU affairs illustrates this trend. We observe a peak of activity between 2003 and 2005 (see figure 17). Half of the parliamentary questions on EU issues were submitted in 2004, while parliamentary activity diminished during Luxembourg's EU Presidency in the first semester of 2005. Specifically on the Constitutional Treaty itself, MPs issued 3 resolutions (all were adopted), 5 motions (2 were adopted and 3 rejected) and 10 parliamentary questions<sup>104</sup>. The table B (see appendix 1) sums up all the parliamentary instruments used between 2003 and 2005, whether MPs accepted or rejected them.

Positioning on the political spectrum played a rather marginal role in MPs' involvement. Both majority and opposition agreed consensually on the need to organise a referendum. Even majority MPs scrutinised their own government on the referendum issue and the Constitutional Treaty. Rather than criticising the government, the involvement of majority MPs might show that individual actions prevailed over collective involvement. For instance, the LSAP MP Ben Fayot occupied the function of EAC Chair and was particularly active in Parliament, driven by his personal convictions rather than his political affiliation. Therefore, we can indirectly validate sub-hypothesis H1.3, because group discipline was loose among majority MPs in a highly consensual context. In this case, the sub-hypothesis would rather be: "The lower the ideological polarisation between political parties on EU treaties, the looser the group discipline within parliament". Moreover, even though opposition ADR MPs started to promote national interests during the referendum campaign, consensus prevailed between the rest of the parties. Parliamentary debates and instruments did not reflect any sharp tensions between the groups, neither between pro-Europeans and sovereignists, nor between opposition and majority. MPs' positioning on the political spectrum barely influenced their involvement. Indeed, both majority and opposition were almost equally active in scrutinising their government. In that sense, we can confirm sub-hypothesis H1.1 and partially confirm sub-hypothesis H1.2. Even though consensus reigned over the treaty, ideologies still seemed to play a bigger role in MPs' involvement.

If we observe now the profiles of active key players, we observe that individual EAC members submitted all 3 resolutions, 1 out of 5 motions<sup>105</sup> and 5 out of 10 parliamentary questions<sup>106</sup>. In this case, committee membership within Parliament seemed to influence parliamentary activity with regard to the follow-up of the Constitutional Treaty. Indeed, we noticed two types of MPs active in debates and the use of parliamentary tools: EAC members and sectoral committee members with leadership positions in their group or committee. Group presidents were especially active within the ADR, LSAP, Déi Gréng and DP. In general, the complexity of the treaty did not trigger MPs' enthusiasm to discuss these matters, leaving it to their more competent colleagues (Interview 11, 2017). These elements seem to be in favour of sub-hypothesis H2.1. Depending on their political activities within Parliament (committee membership, leadership positions), MPs' involvement with regard to the Constitutional Treaty

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<sup>104</sup> According to own calculations based on the online archives of the Chamber of Deputies and the analytical tables per legislative sessions.

<sup>105</sup> The motion counted among the two motions that were accepted.

<sup>106</sup> Own calculations based on the Chamber's analytical tables and its online archives.

varied. MPs with “Europeanised” profiles tended to be the main scrutinisers of the Constitutional Treaty. While EAC members tended to focus on the European level, members from the sectoral committees promoted national topics or stayed out of the debates. EAC members submitted the most parliamentary instruments and were the main competent interlocutors during IGCs on the Constitutional Treaty.

Apart from EAC members, the rest of MPs that participated in the referendum campaign might have been pushed by rational considerations such as re-election prospects. Indeed, the complexity of the treaty discouraged the public opinion. The translation of complex aspects of the treaty into comprehensible national stakes tended to be considered as a strategy that would ensure both the ratification of the treaty and voters’ support to their MPs. However, we cannot say that polarisation encouraged sectoral committee members’ use of scrutiny instruments, which does not confirm sub-hypothesis H2.2. Indeed, sectoral committee members became active within a consensual atmosphere, even though tensions arose during the referendum campaign. Some CSV MPs explained that the expertise and leading role of the Prime Minister as CSV member convinced them to stay away from these issues, as they trusted their representative and did not see the need to either acquire more information or become more active in the debate on the new treaty (Interview 15, 17, 2017). Only those dealing directly with EU affairs on a daily basis, be it EAC members or the president of the parliamentary group, were among the most active CSV MPs. This trend is reflected in the use of parliamentary instruments between 2003 and 2005. Overall, CSV MPs used the less the parliamentary tools to scrutinise their Government on the Constitutional Treaty. The main explanation lies probably in the fact that they belonged to the majority and focused on providing support to governmental decisions. The same can be said about DP MPs. Until 2004, MPs from the then coalition partner DP were also absent from the scrutiny of the Constitutional Treaty. On the other hand, once the LSAP came to Government in 2004, its parliamentary group used scrutiny tools to the same extent as before 2004. An explanation could be the personality of the initiator, who was leader of the LSAP group from 2004 onwards. The MP had an extensive experience in EU affairs and might have acted according to personal rather than political convictions, even if this meant to scrutinise more often his own government members.

A large proportion of key players had a high seniority in Parliament, be they member of the EAC or sectoral committees. Some MPs followed previous treaty negotiations and accumulated knowledge on parliamentary practices, which gave them the legitimacy to represent their group during the discussions. EAC members participated in several European parliamentary conferences. These MPs had a European experience that sensitised them to EU affairs. They also benefitted from direct contacts and networks on the EU level, which provided them with ex-ante information and made them more independent from sole governmental sources. For instance, among the active users of parliamentary scrutiny tools, we found members of the Convention on the Future of Europe. The most typical example of an actively engaged MP with a “Europeanised” profile is a former LSAP MP that exerted a long-lasting mandate (four legislative periods)<sup>107</sup>. The MP occupied the position of EAC Chair for two consecutive legislative periods, i.e. for ten years, as well as the position of President of the

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<sup>107</sup> See Interview 3, 2017.

LSAP group between 2004 and 2009. At the time of the Constitutional Treaty, the MP had already experience as former member of the delegation to the Convention on the Future of Europe and became rapporteur on the new treaty and the national laws implementing it in 2004. Engaged in local politics for several years, the MP also had an experience as MEP for ten years (Interview 4, 2017).

Experience in Government did not seem to be prevalent in MPs' involvement. Some MPs from the majority (CSV/LSAP), but also from the DP, had prior functions in ministries. Majority MPs with experience in Government belonged mainly to the EAC. This could mean that they chose the EAC as a renowned committee for political profiling with the objective to return to Government. This argument is consolidated by the fact that several LSAP EAC members became government members in 2004 after the elections. For majority MPs, prior experience in Government might have affected their parliamentary work, because they might have benefitted from privileged contacts with former ministry colleagues that made them more inclined to support their Government's policy. While MPs' profiles might be somewhat indicative of governmental influence on parliamentary work, the fact that the rapporteur on the Constitutional Treaty belonged to the LSAP surely indicates that the majority monitored closely the discussions on the treaty.

While membership in national unions was quite common among EAC members, we observed that only few key players from the ADR and LSAP belonged to an interest group. Indeed, these two parties are represented in the trade unions OGBL and NGL. However, their direct influence on MPs' parliamentary work was quite limited. Considering only MPs' sociological profiles, we could not find clear evidence that civil society influenced their behaviour in Parliament. Only ADR MPs might have used their trade union affiliation to shape their opinion on the Constitutional Treaty and the referendum. For instance, the then president of the ADR was also president of the NGL trade union representing workers and employees and affiliated to the ADR party. Another ADR member was former member of the Free Luxembourg Federation of Farmers (FLB) from 1979 to 1998 and became vice-president of the agricultural association PROCOLA until 2008. Membership in these interest groups might have encouraged ADR members to defend national interests. Proof could be their request to organise a national referendum on the Constitutional Treaty (Motion, 13.02.2003; Written question, 14.06.2005). Overall, national unions' influence was rather external through opinions, their participation in the referendum campaign and in parliamentary hearings. For instance, ADR MPs operated an ideological turnaround after the party's congress in 2005, following pressure from organisations to reject the treaty. During the first vote in Parliament, the whole group was absent from the debate. During the second vote in October 2005, confusion reigned among ADR MPs. Only one ADR member, who left the party in 2006 because of internal disagreements, voted against the treaty.

To conclude, the Constitutional Treaty pushed to regular debates on the need to integrate EU matters in Parliament. The large consensus reigning over the treaty gave considerable power to the Government over the negotiations. The referendum campaign seemed to have raised the awareness of all MPs about the importance of EU affairs. This awareness was turned either towards domestic issues derived from aspects in the treaty, or directly towards the content of

the treaty. National unions contributed to raise this awareness by participating actively in the referendum campaign. However, their opinion affected only the ADR's position.

#### *5.4.2 The Constitutional Treaty: an opportunity for institutional change within the Chamber of Deputies?*

Discussions on institutional improvements within the Chamber of Deputies in the field of EU affairs started already during the Convention on the Future of Europe. On 13<sup>th</sup> February 2003, during a plenary debate on the Convention, most opposition MPs from LSAP, ADR and Déi Gréng called for more parliamentary participation rights<sup>108</sup>. LSAP MPs underlined for instance the importance to communicate developments of the Convention to citizens through the parliament TV channel. Déi Gréng MPs suggested amending the Chamber's RoP to allow the establishment of a permanent EAC, MEPs' participation rights as observers in all committee meetings and a better cooperation between Parliament and Government. During another parliamentary debate in July 2003 on the Convention, Déi Gréng MPs reiterated their wish to strengthen parliamentary rights in EU affairs<sup>109</sup>. According to them, the Chamber of Deputies needs to make efforts to increase its resources, reform its structures and bring EU affairs closer to Luxembourgish citizens.

The Chapter 10 on European Affairs was created from scratch in the RoP in 2003 and contained a single Article 156 on parliamentary participation rights in EU affairs. The parliamentary administration got also involved in reflexions over scrutiny reforms. In November 2003, an internal note written by a civil servant from the EAC secretariat mentioned several institutional and procedural improvements that were under discussion. The suggestion to establish a permanent EAC was rapidly abandoned in favour of the decentralisation of EU affairs. It was also suggested to increase the frequency of committee meetings and to place European legislative proposals at the beginning of the EAC's agenda accompanied by the Government's impact assessments. The system of document classification within the Chamber was also modified in 2003. Finally, the note mentioned the probable change in the functions of the EAC secretariat. Thoughts were about changing the secretariat's tasks of EU documents classification into research tasks, including the writing of opinions. An increase in personnel specialised in EU affairs was also foreseen.

On the 8<sup>th</sup> March 2004, the Chamber's Bureau decided to introduce a European dimension in the committees' work. Following this decision, a series of discussions followed in the EAC from the end of 2004 onwards, when the new Government decided to organise a referendum on the Constitutional Treaty. The fact that the role of national parliaments was on the agenda of the Convention on the Future of Europe and integrated into the new treaty probably triggered higher awareness among MPs about the need to improve their institutional

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<sup>108</sup> See 13.02.2003, 31st plenary session, TOP 2 « Débat d'orientation relatif à la Convention sur l'avenir de l'Europe ».

<sup>109</sup> See 01.07.2003, 64<sup>th</sup> plenary session, TOP 5 « Débat d'orientation relatif au document final retenu par la Convention sur l'avenir de l'Europe », « Résolution du groupe LSAP relative à la tenue d'un référendum sur un futur Traité instituant une Constitution européenne ».

framework. Moreover, the referendum campaign triggered revisions of the Chamber's scrutiny system. Discourses about improving the role of the Luxembourg Chamber multiplied and ideas emerged about the way to improve parliamentary participation. Between September 2004 and February 2006, the EAC met 9 times to discuss, sometimes exclusively, the Chamber's internal scrutiny procedures in EU affairs (see appendix 1, table C).

Even though most MPs tended to be aware that EU affairs would play a bigger role in their daily parliamentary work, only a limited number took initiatives towards institutional reforms. Most initiatives originated from few individual MPs with strong personal motivations to improve their institutional framework. Most "political entrepreneurs" of change were the same MPs that led the debates on the Constitutional Treaty and the referendum. While EAC members were actively encouraging revisions and triggering the debates<sup>110</sup>, members of the RoP committee and the committee on Institutions and Constitutional Revision discussed the implementation of change within Parliament. The then EAC chair (LSAP) and vice-chair (DP) were particularly active in promoting the Chamber's scrutiny rights. Overall, the seniority rate among the main initiators of change was high. Only the most experienced MPs got interested and legitimised to trigger reforms. In addition to that, the profiles of "political entrepreneurs" were also characterised by a high proportion of leadership positions, be it in parliamentary groups or committees. MPs who got involved in reform discussions represented either their group's position or were spokespersons of their whole committee as chair or vice-chair. Even though consensus reigned over the debates to redefine the chamber's scrutiny procedures, each group had its own position on the matter. This might explain why political leaders were at the heart of the discussions, because revisions touched upon each group's scrutiny rights in Parliament. Overall, majority group and committee leaders had the upper hand in the debates, especially the LSAP. The latter demanded substantial revisions in Parliament, while CSV MPs' proposals seemed to be more timid. The DP backed the proposals of the LSAP EAC Chair.

Alongside leadership positions, few MPs from the LSAP, CSV and DP also had a prior experience in Government. For them, getting involved in discussions on scrutiny revisions might have meant a boost in their political career for future positions in Government. Moreover, most key players participated in interparliamentary conferences and got sensitised to EU issues through them. Almost all Luxembourgish COSAC members led the discussions on internal parliamentary reforms. The COSAC releases a report every six months on EU practices and procedures, evaluating structural and procedural scrutiny methods and improvements in national parliaments. We assume that MPs who were COSAC members might have been more sensitised to change their parliament's scrutiny methods. Membership in national unions did not affect MPs' involvement in discussions on institutional change. Indeed, only few ADR and CSV MPs were at the same time affiliated to trade unions. The latter were more interested in the debates on the referendum than on institutional change within the Chamber of Deputies.

Between 2004 and 2006, discussions multiplied on procedural revisions within the Chamber of Deputies. On the 20<sup>th</sup> September 2004, the EAC discussed the follow-up of EU

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<sup>110</sup> See for instance the plenary debates on 01.07.2003 or 25.10.2005, where most speakers were either EAC members or (former) members of the Convention on the Future of Europe.

documents in the Chamber of Deputies<sup>111</sup>. The then EAC Chair, member of the LSAP group and of the COSAC delegation, insisted on increasing the participation of the Chamber in EU affairs through a strengthening of its HR resources. A civil servant was hired to be represented in the COSAC secretariat and the idea was mentioned to invite the person in an EAC meeting. The Chair also pointed out that the Chamber still did not have a representative in Brussels at that time. A DP MP, Vice-Chair of the EAC, believed that regular exchanges with the Ministry for Foreign Affairs would boost the follow-up of EU documents. The MP also requested from the Government to prepare explanatory notes on EU documents whenever national interests are concerned. A CSV MP proposed the creation of an intranet permitting the exchange of information between Parliament and Government.

Even government members reflected on ways to improve parliamentary scrutiny of EU affairs. The then deputy Minister for Foreign Affairs and Immigration suggested keeping the EAC informed on important meetings of the Council and the European Council. The deputy minister also suggested a closer cooperation and the establishment of such explanatory notes during the subsidiarity monitoring process. On 11<sup>th</sup> October 2004, discussions on parliamentary involvement in EU affairs continued in the EAC<sup>112</sup>. A CSV MP pointed out that committee chairs should get sensitised to EU affairs. To encourage this, the EAC Chair suggested establishing a conference of committee chairs based on the model of the existing conference within the European Parliament. An ADR MP argued that the cooperation with other national parliaments should be strengthened. The Vice-Chair of the EAC suggested an earlier participation in Council negotiations through the drafting of opinion for the Government. The DP MP also suggested inviting European Commissioners to EAC meetings. Moreover, the idea to let MEPs participate in meetings of sectoral committees emerged again during an EAC meeting on 03<sup>rd</sup> October 2005<sup>113</sup>. Other EAC members from LSAP, Déi Gréng and ADR repeated the need to increase the Chamber's resources in personnel.

The EAC discussed again procedures in EU affairs on 24<sup>th</sup> October 2005<sup>114</sup> in the context of implementation delays of European directives in Luxembourg. The Vice-Chair of the EAC reiterated the necessity to obtain explanatory notes from the Government on EU documents to reinforce the Parliament-Government cooperation. Additionally, the parliamentary administration suggested new solutions to improve the scrutiny of EU affairs. The Secretary General of Parliament suggested creating a common table between the Government, the Council of State and the Chamber of Deputies ensuring the follow-up of EU matters at the earliest possible stage. He participated several times in EAC meetings in the course of 2004-2005, contributing to the debate on procedural changes.

Luxembourg's EU Presidency and especially the referendum on the Constitutional Treaty represented opportunities for the Parliament to undertake reforms. On 25<sup>th</sup> October 2005, a CSV EAC member argued during the second parliamentary vote on the Constitutional treaty

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<sup>111</sup> See EAC meeting 20.09.2004 (A-CHD-P-2004-O-AEEDC-02).

<sup>112</sup> See EAC meeting 11.10.2004 (A-CHD-P-2004-O-AEEDC-06).

<sup>113</sup> See EAC meeting 03.10.2005 (A-CHD-P-2005-O-AEDCI-63).

<sup>114</sup> See EAC meeting 24.10.2005 (A-CHD-P-2005-O-AEDCI-05).



that the referendum illustrated the need for a strengthened debating culture about EU affairs<sup>115</sup>. This debating culture should be encouraged by single MPs. Only their political will to engage in EU affairs could ensure parliament's effective ex-ante involvement.

The EAC meeting on 28<sup>th</sup> November 2005 discussed the Parliament's weak ex-ante involvement and political groups' lack of specialised personnel<sup>116</sup>. The suggestions of EAC members to strengthen the Chamber's participation rights in EU affairs led to the establishment of the "European Strategy of the Chamber of Deputies" at the beginning of 2006<sup>117</sup>. The European Strategy consisted in a series of procedural revisions: the creation of a permanent representative of the Parliament in Brussels on 1<sup>st</sup> January 2006; the revision of the selection procedure of EU documents, with the addition of short summary notes to MPs; the development of new communication tools, such as the establishment of a "Europe" section to the Chamber's webpage and a more regular broadcast of EU matters on the Chamber's TV channel<sup>118</sup>. Suggestions such as the possibility to invite European Commissioners or MEPs in sectoral committees were mentioned explicitly in the European Strategy of the Chamber. Each committee chair was invited to include on their committee's agenda a point on EU matters.

To conclude, the Constitutional Treaty clearly increased MPs' awareness about the need to include systematically EU affairs in their work. In that case, the salience of the new treaty within Parliament seemed to have triggered institutional change in the form of procedural revisions. This observation validates sub-hypothesis H 3.1 according to which the weaker a parliament's scrutiny system (see ranking made in the Europeanisation literature about Luxembourg), the more MPs engage in institutional change. Personal convictions rather than political affiliation and competition seemed to have motivated "political entrepreneurs" to trigger change within the Chamber of Deputies. It validates sub-hypothesis H3.2, because the consensual atmosphere within the chamber encouraged MPs with "Europeanised" profiles to take the lead of amendments. Indeed, consensus between opposition and majority was high on the direction of change within the Chamber of Deputies. MPs' high seniority level, their European experience and their leadership position in Parliament constituted driving motivations. However, effective institutional change in the wake of the Constitutional Treaty turned out to be limited.

### *5.4.3 Conclusion*

This part analysed parliamentary involvement and institutional change in the Chamber of Deputies in the context of the Constitutional Treaty. We observed that the level of parliamentary involvement increased during the period 2003-2005, proof that the European context affected MPs' work. Firstly, we saw that MPs' sociological profiles played a crucial

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<sup>115</sup> See 25.10.2005, 5<sup>th</sup> plenary session, TOP 6: 5442- « Projet de loi portant approbation du Traité établissant une Constitution pour l'Europe, des Protocoles annexes au Traité établissant une Constitution pour l'Europe, des Annexes I et II et de l'Acte final, signés à Rome, le 29 octobre 2004 – Second vote constitutionnel »

<sup>116</sup> See EAC meeting 28.11.2005 (A-CHD-P-2005-O-AEDCI-11).

<sup>117</sup> See EAC meeting 23.01.2006 (A-CHD-P-2006-O-AEDCI-18).

<sup>118</sup> See « La stratégie européenne de la Chambre des députés », 2006.

role in parliamentary involvement. Indeed, the most “Europeanised” MPs, which were mainly EAC members and COSAC delegates, were the main scrutinisers of the treaty and “political entrepreneurs” of change. Probably partly inspired by COSAC discussions on the role of national parliaments, they were at the origin of the “European Strategy” of the Chamber that marked a significant step towards a strengthened involvement in EU affairs. Group leaders, whether EAC members or not, were also actively using the scrutiny instruments.

Membership in national unions, although quite common among EAC members and MPs in general, did not seem to influence directly MPs’ involvement in the follow-up of the Constitutional Treaty. However, interest groups exerted their influence through other channels, by participating in the public hearings organised by the Chamber of Deputies, or by publishing opinions and organising campaigns. Therefore, MPs must have been indirectly pressured by the civil society in their referendum campaign. In that same line of thought, MPs’ ideological positions on the treaty seem to have determined their activities. Before 2005, all MPs were in favour of the treaty, no matter their positioning on the political spectrum (whether opposition or majority). This consensus started to crumble during the referendum campaign, when more and more ADR party members joined the “No” movement. Interest groups also pressured the party to change its position. Finally, ADR MPs were confused and divided over the treaty. Group discipline crumbled during the second parliamentary vote when one ADR MP voted against the Constitutional Treaty, while the rest voted in favour. These observations prove that the pressure of civil society influenced to a great extent parliamentary activity. The same cannot be said in the case of the Council of State, which merely gave its opinion on the Government’s draft bill before it entered Parliament. Apart from this statement, the Chamber of Deputies did not interact with the Council of State.

While ideological considerations dictated parliamentary activity, institutional change within the Chamber was implemented in a consensual environment, all key players agreeing on the revisions. Compromises might have been easier on reforms, because they touched upon necessary improvements in terms of participation rights without ideological implications. Nevertheless, coalition partners kept control over the direction of change. The parliamentary administration also played a significant role of influencer in the revisions, endorsing the role of coordinator of institutional change. However, scrutiny reinforcement within the Chamber between 2003 and 2006 remained limited. EAC members made multiple suggestions, but only a few were retained in the “European Strategy”. Even though discourses were oriented towards a mainstreaming of EU affairs, the reality showed a different situation. Mainstreaming remained at the stage of rhetorical promises. MPs’ awareness about EU affairs certainly grew during that period, but effective involvement remained limited to the most competent MPs.

## 5.5 Evolution of parliamentary involvement in the context of negotiations on the Lisbon Treaty (2006-2009)

This part will analyse parliamentary involvement and institutional change in the wake of negotiations on the Treaty of Lisbon. Just as the previous section on the Constitutional

Treaty, we aim to explain how MPs' motivations and institutional environment influenced their involvement in the follow-up of the Lisbon Treaty. The first part aims to test to what extent polarisation within Parliament and the treaty's salience determined parliamentary activity (H1). We will also check how polarisation between parties affected mainstreaming trends within parliaments (H2). The second part focuses on scrutiny reinforcement in the context of the Lisbon Treaty (H3).

### *5.5.1 Parliamentary involvement in the framework of the negotiations on the Lisbon Treaty*

#### **General context**

After the failure of the Constitutional Treaty, a period of reflexion on the European level was established. During the German EU Presidency that started in January 2007, Luxembourg organised with Spain a meeting of the "Friends of the Constitution" in Madrid on 26<sup>th</sup> January 2007, as a sign of support to the German strategy to revive discussions on a European treaty. While Luxembourgish elites, in particular those dealing directly with EU affairs, remained enthusiastic about a new European treaty, the public opinion became more sceptical about the EU in the course of the year 2006. 54% of the population thought that the EU had a positive image in spring 2006, compared to 57% in autumn 2005, showing an opposite trend to the European Union in general<sup>119</sup>. Trust in national institutions also wavered after the referendum, even though the rates stayed above the European average. Government lost 3% of trust between autumn 2005 and spring 2006, passing from 68% to 65% of people trusting it<sup>120</sup>. The Chamber of Deputies and political parties lost even more trust from the population, passing respectively from 64% to 58% (-6 points) and 46% to 41% (-5 points) of Luxembourgiens trusting these institutions. However, in autumn 2005, 53% of the population agreed that the Constitutional Treaty needed to be renegotiated and 25% thought that Member States should continue the ratification process<sup>121</sup>.

The Chamber of Deputies started to discuss the next steps towards a new European Treaty in March 2007. Several EAC meetings focused on the future of the Constitutional Treaty between May and June 2007<sup>122</sup>. On 13<sup>th</sup> June 2007, an orientation debate in plenary was organised in the Chamber on the IGC of 21<sup>st</sup>-22<sup>nd</sup> June 2007 that marked the beginning of the drafting of a new treaty. During the plenary debate, a coalition of LSAP, Déi Gréng, DP and CSV MPs submitted a motion, adopted by a majority of 55 votes, asking the Government to negotiate the new treaty on the basis of the Constitutional Treaty<sup>123</sup>. A topical debate requested by the EAC on the European Council meeting in Lisbon on 18<sup>th</sup>-19<sup>th</sup> October 2007 was

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<sup>119</sup> See Eurobarometer 65, report on Luxembourg, [http://ec.europa.eu/commfrontoffice/publicopinion/archives/eb/eb65/eb65\\_lu\\_nat.pdf](http://ec.europa.eu/commfrontoffice/publicopinion/archives/eb/eb65/eb65_lu_nat.pdf) (last accessed 06.03.2018).

<sup>120</sup> Ibid.

<sup>121</sup> See Eurobarometer 64, report on Luxembourg, [http://ec.europa.eu/commfrontoffice/publicopinion/archives/eb/eb64/eb64\\_lu\\_nat.pdf](http://ec.europa.eu/commfrontoffice/publicopinion/archives/eb/eb64/eb64_lu_nat.pdf) (last accessed 06.03.2018).

<sup>122</sup> See EAC meeting 07.05.2007 (A-CHD-P-2007-O-AEDCI-41), 18.05.2007 (A-CHD-P-2007-O-AEDCI-43) and 18.06.2007 (A-CHD-P-2007-O-AEDCI-49).

<sup>123</sup> See 13.06.2007, 36th plenary session, TOP4 « Débat d'orientation en vue du Conseil européen des 21 et 22 juin 2007 sur le mandat d'une Conférence intergouvernementale relative au Traité Constitutionnel ».

organised in the Chamber of Deputies on the 23<sup>rd</sup> October<sup>124</sup>. A resolution submitted by an LSAP MP and supported by Déi Gréng, DP and CSV MPs requested a parliamentary ratification of the new treaty in the course of 2008 and was adopted by a majority of 55 votes (rejected by four ADR MPs and one independent MP). The Council of Government approved the draft bill ratifying the Treaty of Lisbon on 21<sup>st</sup> December 2007, after the Member States signed the treaty on 13<sup>th</sup> December 2007 in Lisbon. The Minister for Foreign Affairs and Immigration submitted the draft bill ratifying the Treaty of Lisbon to the Chamber of Deputies on 25<sup>th</sup> January 2008. The EAC was designated as competent for the examination of the draft bill. It nominated a rapporteur during its meeting on 11<sup>th</sup> February 2008<sup>125</sup>. The State Secretary for Relations with Parliament transferred amendments to the Treaty of Lisbon to Parliament on 18<sup>th</sup> April 2008. The Council of Government discussed the modalities of the ratification process and the implementation of the Treaty of Lisbon in Luxembourg on 2<sup>nd</sup> May 2008. In the meantime, the Council of State submitted its positive opinion on the Treaty of Lisbon on 6<sup>th</sup> May, which was examined in the EAC on 19<sup>th</sup> May. The EAC's final report on the draft bill ratifying the new treaty was adopted in committee on 21<sup>st</sup> May 2008. The ratification in Parliament happened on 29<sup>th</sup> May, where 47 MPs voted in favour of the treaty, one independent MP voted against it and the 3 ADR MPs abstained<sup>126</sup>. The Council of State exempted the Chamber of Deputies of a second constitutional vote on the Treaty of Lisbon on 17<sup>th</sup> June 2008.

Negotiations on the Treaty of Lisbon led to a growing fracture between parties. On the one side, MPs from CSV, LSAP, DP and Déi Gréng supported the European integration process and the new treaty, and on the other side, the sovereignist party ADR defended increasingly protectionist positions. The majority of MPs, apart from the ADR group, agreed with the Government on several aspects of the treaty. According to the Government, the Constitutional Treaty should represent the basis of negotiations on the Treaty of Lisbon and its substance should be preserved in the new treaty<sup>127</sup>. Most groups in the Chamber also supported the creation of a European Minister for Foreign Affairs and the legally binding nature of the Charter on Fundamental Rights. All parties agreed on the need to strengthen national parliaments' participation rights. The majority supported the transparency of the decision-making process, as well as the subsidiarity principle. According to an LSAP MP, the Early Warning Mechanism should not be used to block decisions, but rather to complement the reinforcement of parliamentary participation rights<sup>128</sup>. However, some aspects of the treaty triggered dissensions

<sup>124</sup> See « Heure d'actualité à la Chambre des députés sur le sommet de Lisbonne : le gouvernement et les députés saluent avec des nuances le traité réformateur », 24-10-2007, <http://www.europaforum.public.lu/fr/actualites/2007/10/debat-chambre-lisbonne/index.html> (last accessed 06.03.2018).

<sup>125</sup> See EAC meeting 11.02.2008 (A-CHD-P-2008-O-AEDCI-30).

<sup>126</sup> See 29.05.2008, 43rd plenary session, 5833 – « Projet de loi portant approbation du Traité de Lisbonne modifiant le Traité sur l'Union européenne et le Traité instituant la Communauté européenne, des Protocoles, de l'Annexe et de l'Acte final de la Conférence intergouvernementale, signés à Lisbonne, le 13 décembre 2007 ».

<sup>127</sup> « La Chambre et le gouvernement luxembourgeois veulent un traité basé sur les acquis du traité constitutionnel que le Luxembourg a ratifié par référendum », 13-06-2007, [http://www.europaforum.public.lu/fr/actualites/2007/06/chd\\_traite/index.html](http://www.europaforum.public.lu/fr/actualites/2007/06/chd_traite/index.html) (last accessed 06.03.2018).

<sup>128</sup> « La Chambre des députés du Luxembourg a ratifié le traité de Lisbonne Ben Fayot: "L'intégration européenne est la matrice du Luxembourg moderne », 29-05-2008 <http://www.europaforum.public.lu/fr/actualites/2008/05/ratification-luxembourg/index.html> (last accessed 06.03.2018).

between parliamentary groups. The LSAP, DP and Déi Gréng supported the institutional equilibrium and the double-majority voting rule in the Council, while the CSV rejected them. CSV MPs were also against the enlargement of the European Union (Poirier/Dumont et al., 2010). ADR MPs argued that the Treaty of Nice and not the Constitutional Treaty should serve as basis for the Treaty of Lisbon<sup>129</sup>. While most MPs were in favour of a short ratification process<sup>130</sup>, ADR members opposed this idea. ADR MPs also favoured the safeguard of the national sovereignty, the organisation of a referendum on the treaty and the anchoring in the Luxembourg Constitution of the right to initiate referenda whenever European treaties are reformed. The LSAP group rejected the latter idea.

We observed that the support for the Treaty of Lisbon became more mitigated, the ADR opposing it from the beginning. As said before, even within the CSV, aspects such as Turkey's accession to the EU were seen differently both by MPs and government members<sup>131</sup>. However, we cannot speak of a strong polarisation in the political landscape, as a majority still supported the treaty. Therefore, it does not seem to validate hypothesis H1, because parliamentary activity did not depend on the polarisation level within Parliament. Contrary to the Constitutional Treaty, MPs had no incentives to use European issues during negotiations on the Treaty of Lisbon to trigger their voters' attention. The information campaign on the Treaty of Lisbon was not comparable to the one organised during the Constitutional Treaty. MPs and the public opinion lost their interest and enthusiasm. The reasons are twofold: the negative experience of the referendum in 2005, which showed that part of the population was not supportive of the EU; and the fact that the Treaty of Lisbon was the heritage of the previously failed Constitutional Treaty, which did not bring anything new to the debates already organised in 2005 (Interview 14, 15, 2017). On top of this, MPs focused primarily on the upcoming legislative and European elections in June 2009, the tackling of the economic crisis that started in 2008 and national constitutional and ethical issues<sup>132</sup> (Poirier/Dumont et al., 2010).

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<sup>129</sup> L'ADR et le traité constitutionnel : un plaidoyer pour la souveraineté nationale, la subsidiarité, une économie sociale et écologique de marché et contre la Turquie 11-06-2007 <http://www.europaforum.public.lu/fr/actualites/2007/06/conference-adr/index.html> (last accessed 06.03.2018).

<sup>130</sup> Un article du député socialiste Ben Fayot : "Dans quelle Europe sommes-nous?" 11-06-2007 <http://www.europaforum.public.lu/fr/actualites/2007/06/fayot-quelle-europe/index.html> (last accessed 06.03.2018); « Le DP veut préserver l'essentiel du traité constitutionnel, la Charte européenne des droits fondamentaux ainsi qu'une intégration de la dimension sociale, environnementale et énergétique dans le nouveau traité », 12-06-2007, <http://www.europaforum.public.lu/fr/actualites/2007/06/conference-constitution-dp/index.html> (last accessed 06.03.2018); « Midis de l'Europe : "La Chambre des députés et le Parlement européen - Mieux communiquer, mieux coopérer » , 09-12-2009, <http://www.europaforum.public.lu/fr/actualites/2009/12/midis-europe/> (last accessed 06.03.2018).

<sup>131</sup> « La Chambre des députés du Luxembourg a ratifié le traité de Lisbonne », Ben Fayot: "L'intégration européenne est la matrice du Luxembourg moderne », 29-05-2008 <http://www.europaforum.public.lu/fr/actualites/2008/05/ratification-luxembourg/index.html> (last accessed 06.03.2018).

<sup>132</sup> The powers of the Grand-Duke were at the centre of the national debate in 2008 following his refusal to sign a euthanasia law. In December 2008, the Chamber of Deputies decides to amend Article 34 of the Constitution and requests a revision of the Grand-Duke's prerogatives to sanction laws ([http://www.lemonde.fr/europe/article/2008/12/02/retif-a-legaliser-l-euthanasie-le-grand-duc-du-luxembourg-va-perdre-du-pouvoir\\_1126146\\_3214.html](http://www.lemonde.fr/europe/article/2008/12/02/retif-a-legaliser-l-euthanasie-le-grand-duc-du-luxembourg-va-perdre-du-pouvoir_1126146_3214.html)), last accessed 12.03.2018).

## **Analysis of parliamentary activity**

As mentioned in the previous section, the Treaty of Lisbon did not trigger as much attention among political players as the Constitutional Treaty. The only action taken by the Chamber of Deputies, more specifically by the EAC, was the organisation of public hearings on the treaty. Parliament focused more on communication than on scrutiny. Indeed, reflexions about an information campaign towards citizens started in October 2007. While an LSAP MP suggested targeting the youth, a DP MP proposed to use the Chamber's TV channel to broadcast information<sup>133</sup>. Hearings at the Parliament were mentioned for the first time during an EAC meeting on 17<sup>th</sup> October 2007<sup>134</sup>. On 22<sup>nd</sup> October 2007, the EAC discussed the organisation of a hearing on Europe on 9<sup>th</sup> November 2007 in the framework of the communication strategy set by the "European Strategy of the Chamber of Deputies"<sup>135</sup>. The first hearing with high school students on "Europe's challenges in the 21<sup>st</sup> century" took place as planned in the EAC on 09<sup>th</sup> November 2007<sup>136</sup>. A second hearing was then organised in the EAC on 18<sup>th</sup> January 2008 with the presence of four MEPs<sup>137</sup>. Discussions also turned around the fact that both Government and Parliament decided not to organise any referendum on the Treaty of Lisbon, following the experience made with the national referendum in 2005. Finally, the last public hearing in the EAC took place on 22<sup>nd</sup> February 2008 with students from the University of Luxembourg<sup>138</sup>.

In total, three hearings were organised in Parliament, all targeting young people. Thus, the most active player within Parliament during the follow-up of the Treaty of Lisbon was the EAC, just as the previous time. Between June 2006 and December 2008, the EAC met 22 times to discuss the future of the Constitutional Treaty and in the end the Treaty of Lisbon. On top of this, 3 plenary debates were organised during this period. We can already notice that plenary debates, which included all MPs in the debates, were halved compared to the debates on the Constitutional Treaty. This could be a sign of general disinterest for the matter. Most discussions on the treaty took place in the EAC arena and remained limited to specialised MPs. The table D (see appendix 1) sums up the EAC meetings and plenary debates on the Treaty of Lisbon.

As with the Constitutional Treaty, we saw a peak of EAC meetings between 2006 and 2008, when the Treaty of Lisbon was being negotiated on the European level. Meetings then dropped in 2008-2009, which could be explained by the campaigns for the legislative and European elections in 2009, where MPs tended to prioritise domestic issues. The table below shows the trend in EAC meetings.

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<sup>133</sup> See EAC meeting 08.10.2007 (A-CHD-P-2007-O-AEDCI-64).

<sup>134</sup> See EAC meeting 17.10.2007 (A-CHD-P-2007-O-AEDCI-02).

<sup>135</sup> See EAC meeting 22.10.2007 (A-CHD-P-2007-O-AEDCI-03).

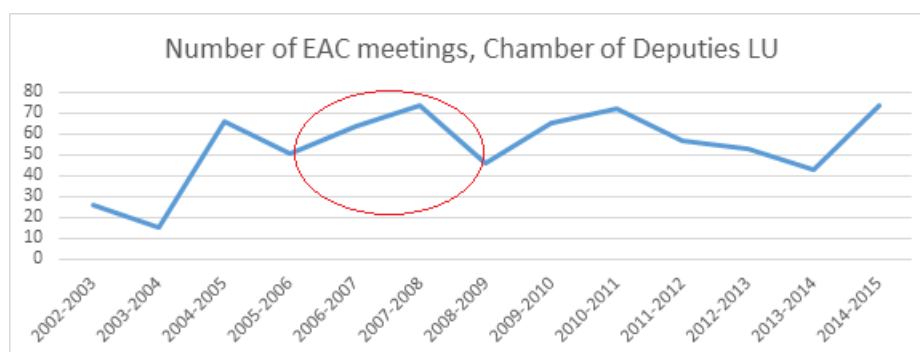
<sup>136</sup> See EAC meeting 09.11.2007 (A-CHD-P-2007-O-AEDCI-09).

<sup>137</sup> See EAC meeting 18.01.2008 (A-CHD-P-2008-O-AEDCI-27).

<sup>138</sup> See EAC meeting 22.02.2008 (A-CHD-P-2008-O-AEDCI-34).



**Figure 23: Number of EAC meetings in the context of the Lisbon Treaty (in total), Chamber of Deputies**



Source: Own calculations based on the annual analytical tables provided by the Chamber of Deputies, <http://www.chd.lu/wps/portal/public/Accueil/TravailALAChambre/SeancesPubliques/ComptesRendusSeances> (last accessed 12.03.2018).

Contrary to trends observed during the referendum campaign on the Constitutional Treaty, which showed also an increase in the use of parliamentary tools, the proportion of parliamentary questions dedicated to EU affairs diminished drastically between 2006 and 2009 (see figure 17). This could illustrate a trend, already mentioned before, of a growing disinterest for EU affairs among MPs, which translated into a decreasing use of parliamentary tools to scrutinise these matters. The lowest point during the legislative session 2008-2009 represented the year of legislative elections, where MPs tended to be more occupied with the electoral campaign and their personal profiling.

The decreasing scrutiny of EU affairs is also reflected in the use of parliamentary instruments on issues related to the Treaty of Lisbon. Between 2006 and 2009, MPs submitted 8 questions, 2 motions, 1 resolution and 1 request for a topical debate on the Treaty of Lisbon, less than during the Constitutional Treaty. The low salience of the Lisbon Treaty affected negatively parliamentary activity. The table E (see appendix 1) sums up all the used instruments in the framework of treaty discussions within the Chamber of Deputies.

Political ideologies seemed to play a more important role in MPs' involvement in the case of the Lisbon Treaty. Most treaty proponents were pro-Europeans, while the sovereigntist group ADR rejected most aspects of the treaty. Generally and independently from their political positioning on the majority-opposition scale, pro-European opposition MPs used the most parliamentary instruments to encourage the integration process<sup>139</sup>. The few majority MPs that scrutinised the Government did it because of personal convictions and not political affiliation. Sub-hypothesis H1.1 seems to be confirmed, as political orientation affected the interest for EU affairs and thus the support for the treaty. MPs' positioning on the political spectrum did not

<sup>139</sup> The ADR group represented in the EAC by two MPs submitted one motion and one question on the treaty between 2006 and 2009 (see table).

seem to affect their involvement, as opposition MPs submitted 6 out of 12 parliamentary instruments, while majority MPs submitted the rest. The fact that opposition and majority MPs used equally parliamentary tools proves that political affiliation mattered, but was less determinant in their involvement than their personal motivations. This observation partially confirms sub-hypothesis H1.2. However, even though equally active, the majority kept somewhat the control over the discussions, notably through the nomination of an LSAP rapporteur on the Lisbon Treaty. Overall, the traditional consensual system limited political tensions<sup>140</sup>. This time, even though majority MPs scrutinised their Government, group discipline remained strong within majority and opposition, even in the absence of polarisation trends. Therefore, we cannot validate sub-hypothesis H1.3. Moreover, the ADR as the only group rejecting the treaty did not represent such a substantial amount of voices so that political dynamics would be affected. Clearly, the absence of competition and polarisation, coupled with the low salience of the treaty, did not lead to substantial activity within the Chamber of Deputies.

The Treaty of Lisbon did not appear as salient in the eyes of most MPs, with the exception of EAC members. According to a DP MP, “[...] among sixty MPs, only a dozen is ready to discuss European questions”, and that this reduced group needs to become more visible<sup>141</sup>. This seems to confirm again sub-hypothesis H2.1, according to which a profile linked to EU affairs might influence MPs’ involvement. As with the Constitutional Treaty, we can observe a gap between the “Europeanised” MPs, mostly EAC members, particularly involved in the follow-up of the treaty, and the rest of MPs staying away from the discussions. Therefore, in the same line of thought, we cannot validate sub-hypothesis H2.2, according to which sectoral committee members became more active in a polarised environment. The Treaty of Lisbon clearly showed that European affairs lost their attractiveness and fuelled minimal tensions between MPs, leaving these questions to those dealing directly with these issues.

Sectoral committee members were totally absent from the debates, contrary to what we acknowledged during the referendum campaign in 2005. One reason could be the focus on national issues due to the upcoming elections in 2009. In light of these arguments, we can relativize mainstreaming. EAC members monopolised the discussions on the Lisbon Treaty. Two reasons can explain the predominance of EAC members on the parliamentary debates: the absence of mediatisation of the Lisbon Treaty, due to the general tiredness originating from the 2005 referendum campaign, which did not provide MPs with electoral incentives to get involved; and the fact that EAC members remained the EU experts in parliament due to a lack of decentralisation towards sectoral committees. Among the most active EAC members during the follow-up of the Treaty of Lisbon, we find the same key players as during the follow-up of the Constitutional Treaty, at least in the biggest groups CSV, LSAP and DP. Most MPs exerted long-term mandates. Once again, key players’ profiles were almost identical to those who handled the Constitutional Treaty, simply because most MPs were already active during the previous treaty. Their seniority in Parliament gave them experience and knowledge of parliamentary practices and EU issues, letting them appear more legitimate to debate about the

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<sup>140</sup> The ADR submitted for example a motion on 23<sup>rd</sup> October 2007 on the organization of a referendum on the new treaty, which was never considered by the other groups and was lapsed.

<sup>141</sup> <http://www.europaforum.public.lu/fr/actualites/2009/12/midis-europe/> (last accessed 12.03.2018).



Lisbon Treaty. These EAC members had also a stronger interest for EU affairs through their regular participation in European interparliamentary conferences. Direct interactions with EU officials, MEPs and MPs from other parliaments gave them the necessary information to handle the Lisbon Treaty within the national parliamentary arena. Almost no MP had a prior experience in Government and affiliation to national unions did not play a role either, due to the lack of issue mediatisation. This time, ADR MPs could not mobilise trade unions on the Lisbon Treaty to the same extent as during the 2005 referendum campaign, because the stakes were not the same. Rather, key players' motivations originated from personal experiences and beliefs and less from political strategies or pressure from the civil society.

For instance, within the LSAP, the former member of the delegation to the Convention on the Future of Europe continued to deal actively with the Treaty of Lisbon. The MP was still a COSAC member (Interview 4, 2017). As EAC Chair and President of the LSAP, the MP animated the EAC meetings, endorsed the role of rapporteur on the treaty<sup>142</sup> and pushed regularly to a strengthened dialogue on Europe between the Chamber and the citizens. He took the initiative to organise a public meeting with the Minister for Foreign Affairs on 19<sup>th</sup> September 2007<sup>143</sup>. Moreover, the MP triggered structural changes in the LSAP group by engaging a collaborator specialised in EU affairs and by pushing the activities of the "Europe" working group. The MP also shared the wish that the Chamber should encourage political debates on Europe<sup>144</sup>. His profile confirms what had been said in the previous part: participation in EU affairs was guided by the MP's personal convictions and his duties as EAC Chair. If we examine the profiles of the other key players, we notice that all of them were already actively involved in EU affairs prior to the follow-up of the treaty. A DP MP active in the discussions on the treaty had exerted two MEP mandates and the fourth national parliamentary mandate as of 2006-2009, participated in numerous interparliamentary cooperation formats such as COSAC and was Minister for Cooperation, Humanitarian Action and Defence between 1999 and 2004 (Interview 21, 2017). Another DP MP was also member of the delegation to the Convention on the Future of Europe and had exerted a long-lasting membership in the EAC.

To sum up, MPs' awareness about EU affairs seemed to have dropped due to upcoming national events (elections) and issues that touched upon national interests (the economic crisis). The lack of enthusiasm and awareness about the Treaty of Lisbon might have led MPs to underuse scrutiny instruments. The Treaty of Lisbon did not trigger substantial parliamentary activity due to its low salience. Indeed, EAC members considered the cooperation with the Government during treaty negotiations as insufficient<sup>145</sup>. The main reason seemed to lie in the fact that sectoral committees did not take initiatives to obtain the needed information from the responsible ministers<sup>146</sup>. Overall, the lack of involvement in Parliament, the low influence of

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<sup>142</sup> See EAC meeting 11.02.2008 (A-CHD-P-2008-O-AEDCI-30).

<sup>143</sup> Ben Fayot et le LSAP veulent relancer un débat "ouvert et vivant" sur l'Europe à l'heure de la négociation du traité modificatif, 11-09-2007, <http://www.europaforum.public.lu/fr/actualites/2007/09/fayot-cig/index.html> (last accessed 12.03.2018).

<sup>144</sup> La délégation luxembourgeoise à la COSAC a expliqué de quelle manière la Chambre des députés s'impliquera plus dans le processus de décision européen, 07-10-2009 <http://www.europaforum.public.lu/fr/actualites/2009/10/cosac/index.html> (last accessed 12.03.2018).

<sup>145</sup> See EAC meeting 10.09.2007 (A-CHD-P-2007-O-AEDCI-56).

<sup>146</sup> See EAC meeting 27.10.2008 (A-CHD-P-2008-O-AEDCI-03).

the ADR as the main treaty opponent and the large support of the other parties to the Government's position limited the Chamber's role in the negotiations. Indeed, the large consensus and the absence of a clear opposition provided the coalition partners with a strong control over parliamentary discussions, backed by most pro-European opposition groups.

### *5.5.2 The Lisbon Treaty: an opportunity for institutional change within the Chamber of Deputies?*

After the establishment of the Chamber's "European Strategy" in January 2006, discussions multiplied within the EAC about the need to amend Parliament's scrutiny procedures in EU affairs. Reflection upon the amendment of internal scrutiny procedures was engaged before, during and after the ratification of the Treaty of Lisbon, on a period running from mid-2006 to mid-2010. The pressure emanating from discourses on the European level and the corpus itself of the treaty giving an ever-growing role to national parliaments might have pushed individual actors within the Chamber of Deputies to accelerate reform processes. A document produced by the then EAC Chair on 08<sup>th</sup> June 2006<sup>147</sup> and discussed in the EAC on 12<sup>th</sup> June 2006<sup>148</sup> laid the main objective of the Chamber in the framework of debates on the future of the European Union. In this document, the MP encouraged the Chamber to get involved at the earliest possible stage in the European decision-making process, both in the committees and plenary sessions. The objective would consist in encouraging mainstreaming of EU affairs in sectoral committees and raising awareness among all MPs. According to the EAC Chair, "[o]ne year after the referendum on 10<sup>th</sup> July 2005, the Chamber of Deputies is itself more than ever aware of its political responsibility in the life of the European Union. [...] For this purpose, the Chamber will systematically develop its means of action, use its communication tools and search for an ever closer contact to the citizens"<sup>149</sup>. While the treaty itself did not trigger high activity, discussions on procedural revisions were numerous. Between 2006 and 2010, the EAC met 25 times, the Committee on Institutions and Constitutional Revision one time and the Committee on Rules of Procedures 3 times to discuss the revision of internal scrutiny procedures (see appendix 1, table F).

"Political entrepreneurs" of change were both members of the EAC and the RoP committee. Both committees were competent to discuss procedural revisions. For instance, the proposal to amend the RoP in 2009 was co-initiated by an LSAP MP from the EAC and a CSV MP from the RoP committee. We observed that majority MPs were once again the main drivers of the discussions, but that consensus reigned between opposition and majority on the direction of change. All agreed to reinforce the chamber's participation rights in EU affairs. Within the EAC, the EAC Chair (LSAP), a CSV MP and a DP MP, who were already very active during the Convention on the Future of Europe and the Constitutional Treaty, took the lead to initiate reforms (Interview 3, 6 and 19, 2017). Without surprise, most "political entrepreneurs" of change also triggered revisions in the wake of the Constitutional Treaty and had thus a high

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<sup>147</sup> « Document de travail pour la Commission des Affaires étrangères et européennes », Intitulé « Le référendum du 10 juillet 2005, le Traité Constitutionnel et l'avenir de l'Union européenne », 08.06.2006.

<sup>148</sup> See EAC meeting 12.06.2006 (A-CHD-P-2006-O-AEDCI-36).

<sup>149</sup> « Document de travail pour la Commission des Affaires étrangères et européennes », Intitulé « Le référendum du 10 juillet 2005, le Traité Constitutionnel et l'avenir de l'Union européenne », 08.06.2006, p.2.

seniority level in Parliament. Leadership positions in committees (chair or vice-chair) played a more significant role in MPs' involvement than prior experience in Government, which was non-existent among key players. Once again, initiators of change were also COSAC members. Again, just as in the case of revisions undertaken in the wake of the Constitutional Treaty, we assume that these key players might have been influenced by COSAC deliberations. For instance, the two COSAC meetings in 2007 dealt with the role of national parliaments in the Barroso initiative, while the biannual reports in 2008 focused on parliaments' participation in the ratification process of the Lisbon Treaty and the subsidiarity monitoring<sup>150</sup>.

The CSV rapporteur on the proposal modifying the RoP to include the memorandum between the Government and the Parliament was member of the delegation to the Convention on the Future of Europe (Interview 17, 2017). An additional sociological feature was particularly noticeable in most key players' profiles: compared to previous "political entrepreneurs" of change, the proportion of lawyers or MPs having studied law was higher in the present case. Prior professional experience motivated them to get involved in procedural revisions. As explained previously, personal convictions, experiences and positions within parliament seemed to have affected more significantly MPs' involvement than their political affiliation. Rather, their high level of professionalisation shaped their motivations and transformed them into legitimate EU experts. The absence of political conflicts between the groups enabled technicians to take over the role of "political entrepreneurs" of change. Thus, we can validate sub-hypothesis H3.2 in the sense that once again, the highly consensual nature of the Luxembourgish political system encouraged MPs with "Europeanised" profiles to be legitimate enough to trigger change.

Additionally, the parliamentary administration played an influential role in the establishment of new scrutiny rules, in close cooperation with the then very active EAC Chair. The Secretary General and civil servants from the International Relations department drafted proposals. The Secretary General intervened in numerous EAC meetings. He announced the creation of EU collaborators' positions within parliamentary groups, encouraged common meetings between MEPs and MPs and suggested the establishment of an interinstitutional agreement between Parliament and Government on EU affairs.

Discussions within the EAC revolved around the cooperation between the Chamber and the European Parliament, especially Luxembourgish MEPs<sup>151</sup>. MEPs expressed their wish to be invited in sectoral committees to discuss EU issues. In September 2008, discussions were led about communicating committee minutes to MEPs<sup>152</sup>. Committee secretaries should transfer these minutes to MEPs, whenever EU issues were debated, in order to ensure coordination between positions on the national and European levels. In general, cooperation with European Institutions needed to be developed, among others with the European Commission. On 16<sup>th</sup>

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<sup>150</sup> See COSAC, Seventh bi-annual report: Developments in European Union Procedures and Practices Relevant to Parliamentary Scrutiny, May 2007; COSAC, Eighth bi-annual report: Developments in European Union Procedures and Practices Relevant to Parliamentary Scrutiny, October 2007; COSAC, Ninth bi-annual report: Developments in European Union Procedures and Practices Relevant to Parliamentary Scrutiny, May 2008.

<sup>151</sup> See EAC meeting 17.07.2006 (A-CHD-P-2006-O-AEDCI-42), 09.11.2009 (A-CHD-P-2009-O-AEDCI-06).

<sup>152</sup> See EAC meeting 15.09.2008 (A-CHD-P-2008-O-AEDCI-68).

October 2006, the EAC received for the first time a European Commissioner<sup>153</sup>. The then Vice-Chair of the EAC, a CSV MP, suggested to establish exchanges with the Committee of the Regions and the EESC. The goal of encouraging contacts with multiple actors was to diversify the Chamber's sources of information. In line with Luxembourg's support for a federalised EU, parliamentary groups requested better direct exchanges with European Institutions. A DP MP mentioned the idea of "contradictory notes" coming from different institutions and giving the possibility to the Parliament to select information from different sources<sup>154</sup>. These initiatives were all the more relevant for the Chamber as its scrutiny system relies exclusively on document-based control.

Cooperation with the Government was also on the agenda, especially the information exchange that was still seen at that time as insufficient<sup>155</sup>. The Chamber did not have access to any position from the Permanent Representation of Luxembourg in Brussels. The then EAC Vice-Chair reiterated his wish to obtain explanatory notes from the Government, already mentioned during the debates on the Constitutional Treaty, but apparently not implemented as of February 2007<sup>156</sup>. Moreover, a suggestion was made to invite systematically in sectoral committees ministers and civil servants competent on specific EU dossiers before each Council meeting.

The Chamber also made communication efforts. A bilateral meeting between MEPs and civil servants from the parliamentary administration on 14<sup>th</sup> July 2006 addressed the issue of communication on EU affairs. MEPs suggested the improvement of the Chamber's TV channel, with ideas such as the broadcasting of debates of the European Parliament. They proposed to insert a European section in the annual parliamentary reports and to reflect about a national debate on Europe in the near future. In October 2006, the Secretary General met the team responsible for the website "Europaforum.lu" designed for the Ministry of Foreign Affairs. The idea was to communicate regularly on EU activities of the Chamber, MEPs and the Government, to organise common conferences and to guarantee Parliament's visibility on the website<sup>157</sup>. The EAC needed to make efforts to communicate about its work to the citizens<sup>158</sup>. The then EAC Chair suggested to include more EU dossiers in plenary debates through the organisation of European question hours.

The Chamber also discussed the delays in the implementation of directives. The EAC addressed the issue several times with the then Minister delegated for Foreign Affairs and Immigration<sup>159</sup>. Suggestions were made about an ex-ante involvement of the Chamber and an annual evaluation of the selection procedures of EU documents. The EAC Chair pointed out that the International Relations department of the parliamentary administration should transfer

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<sup>153</sup> See EAC meeting 16.10.2006 (A-CHD-P-2006-O-AEDCI-01).

<sup>154</sup> See EAC meeting 18.02.2008 (A-CHD-P-2008-O-AEDCI-32).

<sup>155</sup> See EAC meeting 07.05.2007 (A-CHD-P-2007-O-AEDCI-41), 10.09.2007 (A-CHD-P-2007-O-AEDCI-56), 21.01.2008 (A-CHD-P-2008-O-AEDCI-28).

<sup>156</sup> See EAC meeting 12.02.2007 (A-CHD-P-2007-O-AEDCI-22, A-CHD-P-2007-O-CPCP-01).

<sup>157</sup> See 24.10.2006, Gérard Philipps, « Note à l'attention de Monsieur le Ministre délégué, ministère des affaires étrangères, europaforum.lu » – réunion avec Mr Frieseisen, Secrétaire Général de la Chambre des Députés.

<sup>158</sup> See EAC meeting 16.04.2007 (A-CHD-P-2007-O-AEDCI-35).

<sup>159</sup> See EAC meeting 09.10.2006 (A-CHD-P-2006-O-AEDCI-50).

EU documents firstly to the EAC<sup>160</sup>. A CSV EAC member, as well as the then EAC Chair belonging to the LSAP, were particularly insisting on the need for sectoral committees to get more involved in EU affairs<sup>161</sup>. As of 2007, several MPs from the CSV, LSAP and DP were pointing out that some sectoral committees still did not have any fixed rules on the examination of EU documents, even after the establishment of the European Strategy of the Chamber earlier in 2006<sup>162</sup>. The then EAC Chair repeated the need to sensitise chairs of permanent committees to EU issues. In order to become active at the earliest possible stage, sectoral committees should not only examine consultation documents from the European Commission, but also legislative proposals<sup>163</sup>. Moreover, the new treaty should encourage further discussions on the issue of double mandates. LSAP and CSV MPs actively involved in EU affairs revived the debate about the need to professionalise the MP position, so that EU affairs can be handled more efficiently<sup>164</sup>. The establishment of a permanent EAC was also part of the discussions, but the idea proposed by a CSV MP was seen as difficult to implement by the EAC Chair belonging to the LSAP, because of the Chamber's small size and MPs' overlapping mandates that limit time spent in Parliament<sup>165</sup>. The issue of lacking personnel resources in the administration and parliamentary groups was mentioned several times as one cause of insufficient scrutiny of EU affairs<sup>166</sup>. The Secretary General announced in July 2006 that political groups would get the possibility to engage a collaborator responsible for EU affairs. While the Secretary General was in favour of establishing a Research Department within the parliamentary administration helping with the analysis of EU documents, the then EAC Vice-Chair preferred relying on external experts<sup>167</sup>.

Even though EAC members multiplied suggestions and initiatives to improve the Chamber's participation rights, pressured by the institutional evolutions brought by the Treaty of Lisbon, effective implementation of these initiatives remained circumscribed. Indeed, EAC meetings on 04<sup>th</sup> May, 14<sup>th</sup> September and 08<sup>th</sup> October 2009 evaluated the European Strategy of the Chamber and showed that most measures mentioned since 2006 have been left at the stage of ideas. For instance, a project submitted by the ADR to amend the Constitution by introducing a chapter on EU affairs was finally withdrawn from the Parliament's agenda. All EAC members agreed that efforts have been made in the course of the past years. However, the involvement of sectoral committees was seen as insufficient. MEPs were still underrepresented in committee meetings. Information from the Government was not systematic and communication and cooperation with the European Parliament remained underdeveloped.

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<sup>160</sup> See EAC meeting 16.11.2006 (A-CHD-P-2006-O-AEDCI-08).

<sup>161</sup> See EAC meeting 17.07.2006 (A-CHD-P-2006-O-AEDCI-42), 29.01.2007 (A-CHD-P-2007-O-AEDCI-21), 12.02.2007 (A-CHD-P-2007-O-AEDCI-22, A-CHD-P-2007-O-CPCP-01), 09.02.2009 (A-CHD-P-2009-O-AEDCI-22).

<sup>162</sup> See EAC meeting 29.01.2007 (A-CHD-P-2007-O-AEDCI-21).

<sup>163</sup> See EAC meeting 16.04.2007 (A-CHD-P-2007-O-AEDCI-35).

<sup>164</sup> La Chambre des Députés à l'heure du traité réformateur – De retour de la réunion de la COSAC, les députés Mosar et Fayot exposent le nouvel agenda européen du pouvoir législatif, 17-10-2007 / <http://www.europaforum.public.lu/fr/actualites/2007/10/cosac-071017/index.html> (last accessed 12.03.2018).

<sup>165</sup> See EAC meeting 02.07.2007 (A-CHD-P-2007-O-AEDCI-52).

<sup>166</sup> See EAC meeting 09.10.2006 (A-CHD-P-2006-O-AEDCI-50), 07.07.2008 (A-CHD-P-2008-O-AEDCI-61).

<sup>167</sup> See EAC meeting 16.04.2007 (A-CHD-P-2007-O-AEDCI-35).

Interparliamentary cooperation needed to be improved<sup>168</sup>. An ADR MP pointed out that information from the ministries stayed fluctuant and needed to be improved, especially before Council meetings. A DP MP estimated that the presence of MEPs in committees was still irregular and requested the establishment of a permanent rapporteur who would follow EU dossiers since the beginning. The issue of double mandates was put again on the agenda, some MPs from LSAP and Déi Gréng calling for the end of overlapping political functions.

Despite the limited implementation of all the above-listed initiatives to improve parliamentary participation in EU affairs, we observed some concrete improvements in the wake of the Treaty of Lisbon. Firstly, the RoP was once again amended in 2007 and Article 156 became Article 168 in Chapter 15 on European Affairs. Moreover, the Government started to produce annual reports on its European policy and to present them in the EAC. The first report was discussed in the EAC on 02<sup>nd</sup> July 2007 with the presence of the Minister delegated for Foreign Affairs and Immigration<sup>169</sup>. The following years, the Government kept submitting these reports. The challenge for MPs was then to determine the way to handle and to follow-up these reports. On top of this, an agreement was established in 2008 between the Government and the Parliament on cooperation in EU affairs. Such an institutional agreement between the Chamber and the Government was first mentioned during the EAC meeting on 16<sup>th</sup> April 2007. On 08<sup>th</sup> January 2009, the Committee on Rules of Procedures decided to put the memorandum between the Government and Parliament in the annex of the Chamber's RoP<sup>170</sup>. The proposal to modify the RoP was adopted unanimously in plenary on 7<sup>th</sup> May 2009.

Reflexion on further cooperation with the Government was obviously based on the German model of parliamentary participation rights in EU affairs. Indeed, the "Lisbon ruling" of the German Constitutional Court in June 2009 had a substantial resonance in the Chamber of Deputies, especially for the then EAC Chair, who was particularly engaged in procedural revisions. According to the MP, the Chamber of Deputies needed to follow the example of the new provisions reinforcing the participation rights of the German Bundestag<sup>171</sup>. He argued that efforts have been made in Parliament to strengthen the cooperation with the Government on EU affairs, but that these improvements needed to be continued in order to bring the EU closer to the citizens. The memorandum fixed better information exchange on EU affairs between the Government and the Parliament. The RoP was amended a second time in 2010, after the Treaty of Lisbon, to incorporate the procedure of reasoned opinions in the framework of the Early Warning Mechanism (EWM). Amendments to article 168 in Chapter 16 of the RoP were accepted unanimously<sup>172</sup>, showing once again that consensus could be easily found when it came to improve Parliament's role in EU affairs.

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<sup>168</sup> See EAC meeting 04.05.2009 (A-CHD-P-2009-O-AEDCI-42), 14.09.2009 (A-CHD-P-2009-O-AEDCI-02), 08.10.2009 (A-CHD-P-2009-O-AEDCI-05).

<sup>169</sup> See EAC meeting 02.07.2007 (A-CHD-P-2007-O-AEDCI-52).

<sup>170</sup> See EAC meeting 08.01.2009 (A-CHD-P-2009-REGL-02 ).

<sup>171</sup> 03.07.2009, Ben Fayot commente largement l'arrêt de la Cour constitutionnelle allemande sur le traité de Lisbonne du 30 juin 2009, see <http://www.europaforum.public.lu/fr/actualites/2009/07/fayot-traite-karlsruhe/index.html> (accessed 02.10.2018).

<sup>172</sup> See 14.07.2010, 44<sup>th</sup> plenary session, TOP 8. 6143 – « Proposition de modification du Règlement de la Chambre des Députés relative aux incidences du Traité de Lisbonne sur les parlements nationaux ».

In light of these elements, we observed that scrutiny procedures were reformed because a specific aspect in the Treaty of Lisbon, the role of national parliaments, put direct pressure on MPs to initiate change. For a limited number of MPs, the salience of the Treaty of Lisbon and the need to strengthen the Chamber's scrutiny rights were reasons justifying scrutiny reinforcement. This seems to confirm sub-hypothesis H3.1. Institutional change happened in a highly consensual atmosphere and was based on MPs' normative reinterpretation of their parliament's role in the EU, rather than on political competition. External factors such as the Lisbon Treaty and the German Constitutional Court's ruling, as well as MPs' personal convictions that the Chamber needed stronger scrutiny procedures, were both determining in the revision process.

### *5.5.3 Conclusion*

This part examined parliamentary involvement in the context of the Treaty of Lisbon. Contrary to the Constitutional Treaty, we observed that parliamentary activity on EU affairs fluctuated considerably and did not translate into a rising tendency. In fact, general trends in parliamentary activity showed a decrease in the use of parliamentary instruments between 2006 and 2009. The lack of enthusiasm after the referendum in 2005, the absence of novelty in the new treaty, the start of the financial crisis in 2008 and the upcoming legislative elections in 2009 might explain why most MPs did not perceive the Treaty of Lisbon as a salient matter in their parliamentary work. National interests seem to have played again a significant role in MPs' (non-) involvement in EU affairs. Apart from the small group of (mostly) senior MPs that followed the previous treaties, the rest did not deal with these matters.

Contrary to the Constitutional Treaty, ideological positions on the Treaty of Lisbon were clearly identifiable between the parties, even though minor internal divergences appeared within some of them. The whole ADR rejected the treaty from the beginning and maintained their group discipline during the ratification vote. The other parliamentary groups welcomed the treaty. As only few opposition MPs expressed negative thoughts about the treaty, the Government could count on most MPs to pass the ratification draft bill. Overall, resistance was very low in Parliament due to low polarisation between the parties, the prevalence of consensual practices, the dominance of pro-European positions and generally the lack of interest for matters that had no big domestic impact. The absence of sharp conflictual lines affected negatively parliamentary activity. Scrutiny instruments were not used to the same extent as in the context of the 2005 referendum campaign. Pro-European opposition and majority MPs supportive of their Government's EU policy were the most active in Parliament. Their participation share was balanced. Parliamentary instruments were not used to criticise the Government, but rather to obtain information and make suggestions on the content of the treaty and parliamentary procedures.

This time, civil society exerted less influence on parliamentary work due to the lower salience of the treaty on the national level. Indeed, the fear of renewing the referendum experience of 2005 discouraged the Government and Parliament to resort to citizens' votes. The



Treaty of Lisbon remained strictly between the hands of national institutions and was not transformed into a national priority. Contrary to the Constitutional Treaty, professional chambers did not deliver any opinion on the Treaty of Lisbon. The Council of State gave its opinion on the Government draft bill ratifying the treaty, but did not affect substantially parliamentary work. However, it decided to exempt the Chamber from a second vote in June 2008. Its role was thus only circumscribed to procedural rules in the final stage of the discussions, and not to the content of parliamentary activity.

EAC members and members of the RoP committee were the main key players that followed actively the treaty. We observed that most MPs had already been active in the context of the Constitutional Treaty. Their sociological features corresponded to those observed last time: most were senior MPs with so-called “Europeanised” profile, with extensive experience in EU matters and regular participation in European parliamentary conferences. Their high level of professionalisation, long-term experience with EU affairs and subsequent interest for these matters made them the most competent players to deal with the Treaty of Lisbon. These same MPs counted also among the “political entrepreneurs” of change. The EAC Chair was especially active in this area, encouraging relentlessly the strengthening of the Chamber’s participation rights in EU affairs. The German model was taken as an example in the drafting of new provisions. The ruling of the German Federal Constitutional Court in 2009 inspired the EAC Chair. Efforts to encourage the decentralisation and mainstreaming of EU affairs were numerous in the wake of the Lisbon Treaty, but were triggered by a limited circle of actors within Parliament. To conclude, parliamentary involvement was circumscribed because the Treaty of Lisbon was not seen as salient. The matter was delegated to EU experts, because sectoral committee members did not perceive the treaty as a useful instrument to boost their domestic political career.

## 5.6 Evolution of parliamentary involvement in the context of negotiations on the ESM and the TSCG (2010-2013)

This part will focus on parliamentary involvement and institutional change during the economic crisis. Founding on the same sub-hypotheses as for the parts on the Constitutional Treaty and the Treaty of Lisbon, the aim is to explain how parliamentarians handled EU affairs in the wake of an exceptional event. The first section will outline the evolution of parliamentary involvement in the framework of the European Stability Mechanism (ESM) and the Fiscal Compact (TSCG). The second section will explain how the economic crisis pushed MPs to reform their institutional framework.



### *5.6.1 Parliamentary involvement in the framework of the negotiations on the ESM and the TSCG*

#### **General context**

The economic and financial crisis affected Luxembourg as financial place and country giving priority to social rights. The unemployment rate grew from around 4% in 2008 to 7% in 2013-2014<sup>173</sup>. The gap between the civil society, especially trade unions, and the political elite grew bigger over the period running from 2010 to 2014 as a direct consequence of the crisis. While 66% of the population thought that the European Union had a positive image in autumn 2009, the proportion dropped to 53% in 2010 and 37% in 2013<sup>174</sup>. The 2009 legislative elections gave significant power back to the CSV, while the DP lost votes and the ADR slipped down electoral support. The political landscape changed in the course of the legislative period 2009-2013. Political crises within the coalition parties LSAP and CSV, especially the decreasing popularity of the Prime Minister, due to revealed political scandals, led to early elections in October 2013. These elections represented a political earthquake in Luxembourg, as the CSV found itself shifting from the majority to the opposition for the second time in history. A three-party coalition was formed between the LSAP, DP and Déi Gréng.

#### **ESM**

After the agreement on the creation of the ESM during the European Council of 16-17<sup>th</sup> December 2010 and the signature of the treaty during the Eurogroup meeting on 11-12<sup>th</sup> July 2011, the first out of three laws implementing the ESM in Luxembourg was introduced in Parliament. On 27<sup>th</sup> September 2011, the Government transferred a draft bill to the Chamber approving the decision of the European Council of 25<sup>th</sup> March 2011 to modify Article 136 of the TFUE<sup>175</sup>. The draft bill was sent to the Finance and Budget Committee on 06<sup>th</sup> October 2011 as it was designated by the Chamber's Conference of Presidents as the competent body to examine the treaty<sup>176</sup>. The Prime Minister seized the Council of State on 21<sup>st</sup> September 2011 and the latter approved the draft bill on 07<sup>th</sup> March 2012. In the meantime, the other two draft bills on the ESM ratification and the participation of the State in the ESM were introduced in Parliament on 5<sup>th</sup> March 2012<sup>177</sup>. On 20<sup>th</sup> March 2012, the Finance and Budget Committee met to discuss the draft bill on the modification of Article 136 TFUE and the draft bill ratifying the

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<sup>173</sup> <http://www.statistiques.public.lu/stat/TableViewer/tableView.aspx> (last accessed 15.03.2018).

<sup>174</sup> See Eurobarometer 72, Autumn 2009,

<http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/STANDARD/surveyKy/831> (last accessed 15.03.2018); Eurobarometer 76, Autumn 2010,

<http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/STANDARD/surveyKy/1020> (last accessed 15.03.2018) and Eurobarometer 80, Autumn 2013,

<http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/STANDARD/surveyKy/1123> (last accessed 15.03.2018).

<sup>175</sup> « Projet de loi portant approbation de la décision du Conseil européen du 25 mars 2011 modifiant l'article 136 du traité sur le fonctionnement de l'Union européenne en ce qui concerne un mécanisme de stabilité pour les Etats membres dont la monnaie est l'euro ».

<sup>176</sup> Both ESM and TSCG were debated in the Finance and Budget Committee. The EAC dealt more thoroughly with the TSCG, probably because the ESM was focused primarily on the financial sector, while the TSCG brought institutional reforms with it that fell partially into the competences of the EAC (Interview 23, 2018, additional information obtained via email on 19.03.2018).

<sup>177</sup> « Projet de loi portant approbation du traité instituant le mécanisme européen de stabilité, signé le 2 février 2012 à Bruxelles », « Projet de loi relative à la participation de l'Etat au mécanisme européen de stabilité ».

ESM. A rapporteur from the CSV group was designated to produce a report on all three draft bills. The Government amended the third draft bill on 14<sup>th</sup> May 2012. On 22<sup>nd</sup> May 2012, the Council of State delivered its opinion without observations on the draft bill ratifying the ESM and the one regulating the State's participation in the mechanism. The latter required a second opinion on 12<sup>th</sup> June 2012 following the Government's amendments, which did not contain any specific observations on the bill. The rapporteur on the draft bills presented its reports in the Finance and Budget Committee on 22<sup>nd</sup> June 2012, which was then adopted in plenary on 26<sup>th</sup> June 2012 by 49 votes against 5<sup>178</sup>. The ADR and Déi Lénk rejected the treaty.

### TSCG

The draft bill ratifying the TSCG<sup>179</sup> was approved in the Luxembourg Council of Government on 16<sup>th</sup> May 2012 and introduced in the Chamber of Deputies on 10<sup>th</sup> July 2012. The Government seized the Council of State for an opinion on the draft bill on 27<sup>th</sup> July 2012. The Finance and Budget Committee received the draft bill on 04<sup>th</sup> October 2012. Both the Chamber of Employees and the Council of State submitted opinions on the draft bill, the first on its own initiative on 22<sup>nd</sup> October and the latter on 21<sup>st</sup> December 2012. The Chamber of Employees expressed a negative opinion on the TSCG, arguing that it would threaten the European social model, deepen the economic crisis and restrict parliamentary competences in public budget decisions. In its opinion, the Council of State reflected about the incidence of the new measures contained in the TSCG on the Luxembourg Constitution and about the need for constitutional revisions. The Council of State stated that the draft bill had to be adopted in Parliament with a two-thirds majority according to Article 114 of the Luxembourg Constitution regulating constitutional revisions, because the control of budgetary discipline fixed by the TSCG implied a transfer of competences to new national institutions, to the European Commission and to the European Court of Justice.

On 08<sup>th</sup> January 2013, the Finance and Budget Committee nominated the same CSV rapporteur that followed the draft bills on the ESM. The report was presented in the committee on 19<sup>th</sup> February 2013 and adopted in plenary on 27<sup>th</sup> February 2013 by 46 votes against 10<sup>180</sup>. Déi Gréng, ADR and Déi Lénk rejected the treaty. The bill entered into force on 04<sup>th</sup> April 2013. The “golden rule” fixed in the TSCG, which sets the threshold of public administrations' annual structural deficit to 0,5% of the nominal GDP, was implemented in Luxembourg through

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<sup>178</sup> 26.06.2012, 34th plenary session, TOP 5 « 6334 - Projet de loi portant approbation de la décision du Conseil européen du 25 mars 2011 modifiant l'article 136 du traité sur le fonctionnement de l'Union européenne en ce qui concerne un mécanisme de stabilité pour les États membres dont la monnaie est l'euro ; 6405 - Projet de loi portant approbation du traité instituant le mécanisme européen de stabilité, signé le 2 février 2012 à Bruxelles ; 6406 - Projet de loi relative (1) à la participation de l'État au mécanisme européen de stabilité; (2) à certaines immunités du mécanisme européen de stabilité et de la banque européenne d'investissement et (3) modifiant la loi modifiée du 9 juillet 2010 relative à l'octroi de la garantie de l'État dans le cadre de l'instrument européen de stabilisation de la zone euro »

<sup>179</sup> « 6449 - Projet de loi portant approbation du traité sur la stabilité, la coordination et la gouvernance au sein de l'Union économique et monétaire, signé à Bruxelles, le 2 mars 2012 »

<sup>180</sup> 27.02.2013, 23rd plenary session, TOP 2 « 6449 - Projet de loi portant approbation du traité sur la stabilité, la coordination et la gouvernance au sein de l'Union économique et monétaire, signé à Bruxelles, le 2 mars 2012 ».

a bill introduced in Parliament by the Finance minister on 22<sup>nd</sup> July 2013<sup>181</sup>. The Finance and Budget Committee received the draft bill on 01<sup>st</sup> October 2013 and nominated a rapporteur from the coalition party DP on 20<sup>th</sup> May 2014. The draft bill was amended once by the Government on 20<sup>th</sup> March 2014 and by the Luxembourg Central Bank on 24<sup>th</sup> April 2014. It was subject to numerous opinions submitted by the Chamber of Civil Servants and Public Employees on 10<sup>th</sup> October 2013, the Chamber of Trades on 05<sup>th</sup> November 2013, the Business Chamber on 11<sup>th</sup> November 2013 and 22<sup>nd</sup> April 2014, the Chamber of Employees on 12<sup>th</sup> November 2013, the Council of State on 10<sup>th</sup> December 2013, 20<sup>th</sup> May and 03<sup>rd</sup> June 2014 and the Union of Luxembourg Cities and Communes (SYVICOL) on 28<sup>th</sup> May 2014. According to the Chamber of Civil Servants and Public Employees, the democratic legitimacy of the treaty would not be guaranteed and social partners should be involved in budgetary negotiations. All chambers pointed out that parliaments' budgetary powers should be strengthened. After several meetings of the Finance and Budget Committee on 27<sup>th</sup> May, 03<sup>rd</sup> June and 19<sup>th</sup> June 2014, the bill was adopted in plenary on 09<sup>th</sup> July 2014 by 55 votes against 5<sup>182</sup>.

The economic crisis seemed to have triggered increasing tensions between and within political parties, but also within civil society. Positions started to crystallise in 2010-2011 during discussions on the future of Luxembourg's financial place and negotiations on the ESM, reaching a peak of discontent especially from the side of the opposition in 2012 during negotiations on the Fiscal Compact. Despite growing dissent between MPs on the way that the economic crisis needed to be handled, all agreed that solidarity and democracy in the EU were two essential elements that needed to be preserved. In 2010, most MPs agreed on the need to safeguard the financial place, to establish strict control mechanisms in financial and economic policies on the European level and to enhance cooperation between Member States by avoiding centralisation of decision-making<sup>183</sup>. While the ADR and Déi Lénk criticised sharply the European Union and the financial measures taken from 2011 onwards, the other parties' more had mitigated positions. Positions of ADR MPs could be explained by the fact that the party changed its president in 2012, who adopted an increasingly sovereignist and conservative stance. Following the nomination of the new president, several members left the party and forced the president to resign. The group lost some MPs within the Chamber of Deputies, who switched to "independent" MPs. ADR MPs pointed out regularly the risk of financial and political sovereignty loss for the Parliament and Luxembourg, as well as the democratic deficit of the EU, as a consequence of the financial measures taken on the European level<sup>184</sup>.

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<sup>181</sup> « 6597 - Projet de loi relatif à la coordination et à la gouvernance des finances publiques et modifiant: a) la loi modifiée du 8 juin 1999 sur le budget, la comptabilité et la trésorerie de l'Etat b) la loi modifiée du 10 mars 1969 portant institution d'une inspection générale des finances »

<sup>182</sup> 09.07.2014, TOP 2 « 6597 - Projet de loi relatif à la coordination et à la gouvernance des finances publiques et modifiant: a) la loi modifiée du 8 juin 1999 sur le budget, la comptabilité et la trésorerie de l'État, b) la loi modifiée du 10 mars 1969 portant institution d'une inspection générale des finances ».

<sup>183</sup> See 01.06.2010, 31st plenary session, TOP 7 « Interpellation de M. Claude Meisch au sujet de l'avenir de notre place financière ; Heure d'actualité demandée par le groupe LSAP sur la régulation des marchés financiers et l'introduction d'une taxe sur les transactions financières ; Heure d'actualité demandée par le groupe CSV sur le contrôle des politiques budgétaires nationales par la soumission des projets de budgets des pays européens à un contrôle ou une concertation ex ante au niveau européen ».

<sup>184</sup> 08.03.2011, 25<sup>th</sup> plenary session, TOP 13 Débat d'orientation sur la gouvernance économique au sein de l'UE et sur le pacte de convergence et de compétitivité projeté » ; 14.12.2011, 12th plenary session, TOP1 « Déclaration de M. Jean-Claude Juncker, Premier Ministre, Ministre d'Etat, relative aux conclusions du Conseil européen des

In the same line as the ADR, Déi Lénk MPs insisted several times on the need to preserve the social rights in Luxembourg and criticised the lack of democracy on the European level<sup>185</sup>. During a press conference organised on the Fiscal Compact on 06<sup>th</sup> February 2012, a Déi Lénk MP qualified the treaty as a “legal monster” that would permit a predominance of industrial and financial sectors over public expenditure and pointed out that it was no surprise that trade unions would reject the treaty. MPs from both parties voted systematically against the ESM and the Fiscal Compact. MPs from the majority supported both treaties, but were not entirely satisfied with their content. CSV and LSAP MPs argued that the Fiscal Compact needed clarification and additional measures in the near future<sup>186</sup>. The President of the LSAP group criticised the TSCG for its lack of democratic legitimacy and its numerous deficiencies<sup>187</sup>. While the CSV party pleaded for budgetary consolidation and fiscal measures through structural reforms to strengthen the economy, the LSAP dampened the CSV’s austerity plans by insisting on social cohesion and solidarity. However, not all MPs from the majority welcomed the measures implemented by the coalition. In 2012, an LSAP MP resigned from Parliament, contesting the party’s support to the coalition’s decision to reform the pension system and limit the wage indexation. The MP also protested against the budget voted in Parliament for the year 2013 and rejected the party’s decision to adopt both treaties (Dumont/Kies/Poirier, 2013). The gap widened between the LSAP’s position on the treaties, its electorate and the socialist trade union OGBL, putting the party in a situation never experienced since the referendum on the Constitutional treaty in 2005.

The coalition’s economic policy also became a major subject of criticism for DP and Déi Gréng MPs. Through a motion that was rejected in Parliament in 2011, a Déi Gréng MP argued that budgetary consolidation would be essential, but only if social justice, growth and the durability of measures would be secured<sup>188</sup>. During a topical hour requested by the group in March 2012 on the Greek sovereign debt crisis, Déi Gréng MPs criticised the lack of cooperation and information from the Government’s side in the same line of argument as the ADR. They also reproached the Government to misrepresent Luxembourg’s positions on the treaties and the economic crisis during negotiations in the Eurogroup<sup>189</sup>. A Déi Gréng MP raised doubts about the Government’s credibility towards the Chamber and the country during negotiations on the EU level, criticising the lack of coordinated positions between the Finance

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8 et 9 décembre 2011, suivie d’un débat » ; « 27.02.2013, 23rd plenary session, TOP2 6449- Projet de loi portant approbation du traité sur la stabilité, la coordination et la gouvernance au sein de l’Union économique et monétaire, signé à Bruxelles, le 2 mars 2012 ».

<sup>185</sup> 14.07.2011, 46th plenary session, TOP 1 « Interpellation de M Claude Meisch sur la crise de la dette européenne (DP) » ; <http://www.europaforum.public.lu/fr/actualites/2011/11/chd-debat-declaration-politique-et-rangere/index.html> (last accessed 16.03.2018).

<sup>186</sup> 26.01.2012, 14th plenary session, TOP9 « Déclaration sur la position du Gouvernement luxembourgeois à l’égard du Traité international sur la stabilité, la coordination et la gouvernance dans l’Union économique et monétaire ».

<sup>187</sup> 27.02.2013, 23rd plenary session, TOP2 « 6449- Projet de loi portant approbation du traité sur la stabilité, la coordination et la gouvernance au sein de l’Union économique et monétaire, signé à Bruxelles, le 2 mars 2012 ».

<sup>188</sup> 14.12.2011, 12th plenary session, TOP1 « Déclaration de M. Jean-Claude Juncker, Premier Ministre, Ministre d’Etat, relative aux conclusions du Conseil européen des 8 et 9 décembre 2011, suivie d’un débat ».

<sup>189</sup> 06.03.2012, 18<sup>th</sup> plenary session, TOP14 « Heure d’actualité du groupe déi gréng sur les décisions du Sommet de l’Union Européenne du 20 février par rapport à la crise de la dette souveraine grecque »

Minister and the Prime Minister<sup>190</sup>. DP MPs were aligned with the other groups on topics such as the transparency of decision-making, solidarity in the EU and the consolidation of budgetary policies. However, a DP MP regretted that the Government did not insist more on the EU level to defend the inclusion of the growth component in the TSCG's crisis measures<sup>191</sup>. In light of the growing unemployment rates and the deindustrialisation of the country, the DP party was more in favour of a middle ground between fiscal consolidation and economic growth. However, the group was dissatisfied with the insufficient reforms undertaken by the Government.

Parliamentary votes on each treaty did not entirely reflect the critical positions of both groups. Even though DP MPs were increasingly sceptical about the ESM and the Fiscal Compact, they voted in favour of both, but without enthusiasm. A DP MP justified the votes by the need to show solidarity with the rest of the Member States<sup>192</sup>. The votes of the DP group on both treaties provided the Government with the required support of the two-thirds constitutional majority within Parliament. Déi Gréng MPs approved the ESM treaty despite their scepticism and discontent about the low level of transparency and democratic participation. However, the group rejected the TSCG by voting against it, pointing out in Parliament and in a press conference on 25<sup>th</sup> February 2013 that the treaty represented a brake for national investments, would destroy the welfare state by encouraging social regression and would reduce democratic legitimacy of the decision-making in budgetary policy by leaving national parliaments aside<sup>193</sup>. According to them, the Fiscal Compact would not clarify the role of the European Court of Justice, weakening the European Parliament and national parliaments. On 24<sup>th</sup> March 2012, during their national congress, the party criticised the austerity measures that threatened the European social model. Déi Gréng reproached the Government to be divided on European issues. According to them, part of the Government would push towards more cooperation and a deepening of the EU, while the rest would prefer bilateral agreements. The absence of coordination would weaken Luxembourg's position during negotiations on the European level.

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<sup>190</sup> 09.05.2012, Discours sur l'état de la nation 2012 : Les groupes politiques à la Chambre cherchent leurs marques dans un cadre décisionnel européen, <http://www.europaforum.public.lu/fr/actualites/2012/05/chd-etat-nation-debat/index.html> (last accessed 16.03.2018).

<sup>191</sup> 26.01.2012, 14th plenary session, TOP9 « Déclaration sur la position du Gouvernement luxembourgeois à l'égard du Traité international sur la stabilité, la coordination et la gouvernance dans l'Union économique et monétaire » ; 09.05.2012, Discours sur l'état de la nation 2012 : Les groupes politiques à la Chambre cherchent leurs marques dans un cadre décisionnel européen, <http://www.europaforum.public.lu/fr/actualites/2012/05/chd-etat-nation-debat/index.html> (last accessed 16.03.2018).

<sup>192</sup> 26.06.2012, 34th plenary session, TOP 5 « 6334 - Projet de loi portant approbation de la décision du Conseil européen du 25 mars 2011 modifiant l'article 136 du traité sur le fonctionnement de l'Union européenne en ce qui concerne un mécanisme de stabilité pour les États membres dont la monnaie est l'euro ; 6405 - Projet de loi portant approbation du traité instituant le mécanisme européen de stabilité, signé le 2 février 2012 à Bruxelles ; 6406 - Projet de loi relative (1) à la participation de l'État au mécanisme européen de stabilité ; (2) à certaines immunités du mécanisme européen de stabilité et de la banque européenne d'investissement et (3) modifiant la loi modifiée du 9 juillet 2010 relative à l'octroi de la garantie de l'État dans le cadre de l'instrument européen de stabilisation de la zone euro » ; 27.02.2013, 23rd plenary session, TOP2 « 6449- Projet de loi portant approbation du traité sur la stabilité, la coordination et la gouvernance au sein de l'Union économique et monétaire, signé à Bruxelles, le 2 mars 2012 ».

<sup>193</sup> 27.02.2013, 23rd plenary session, TOP2 « 6449- Projet de loi portant approbation du traité sur la stabilité, la coordination et la gouvernance au sein de l'Union économique et monétaire, signé à Bruxelles, le 2 mars 2012 ».

While the ESM did not trigger much reaction from the civil society, the Fiscal Compact was criticised because of its direct impact on the financial policy of the country. The professional chambers and trade unions produced opinions denouncing the consequences of austerity measures on Luxembourg's social and democratic system<sup>194</sup>. The fragmentation of positions was clearly visible between the LSAP and its affiliated trade union OGBL. The latter tended to welcome the political decisions of Déi Lénk and Déi Gréng to reject the TSCG, counteracting the coalition's policy and moving away from the LSAP position. The mediatisation level of political positions increased on the Fiscal Compact through the multiplication of press conferences and declarations. The TSCG was seen as a threat for Luxembourg as a financial place. While MPs from the majority supported the treaty with less enthusiasm than the ESM, opposition MPs expressed overtly their scepticism. Votes in Parliament showed that the majority backed by the DP managed to impose its vision in front of the other opposition groups. In the end, we observed growing tensions and ideological divergences on these issues. On the Fiscal Compact, premises of polarisation appeared. However, while the CSV-LSAP coalition supported the treaty and the ADR, Déi Lénk and Déi Gréng rejected it, the DP had an ambiguous and intermediary position. In addition, both majority and opposition MPs supported some aspects of the treaties, such as the rejection of federalist solutions and the need for European solidarity. Thus, polarisation was only issue-related and confirms partially hypothesis H1.

### **Analysis of parliamentary activity**

The financial and economic crisis triggered more attention from MPs' side, but activity related to the ESM and the TSCG was rather limited between 2010 and 2014. While the ESM was mainly handled within the Finance and Budget Committee, the EAC barely discussed the draft bills linked to the treaty. The EAC met only once in 2010 and the Finance and Budget Committee met four times in 2012 to discuss ESM matters. The institutional aspects of the Fiscal Compact were handled more often in the EAC, while the financial aspects of the treaty were discussed in the Finance and Budget Committee. The latter met once and the EAC four times in 2012-2013. The EAC examined primarily the role of national parliaments in the TSCG. Article 13 of the Fiscal Compact foresees the creation of an interparliamentary conference. MPs discussed the organisation of such a conference on 17<sup>th</sup> December 2012 and 04<sup>th</sup> March 2013. Moreover, several plenary sessions were dedicated to the financial crisis, but only 6 handled directly the ESM and the TSCG. The multiplication of plenary discussions shows that MPs wanted to publicise the issue to attract voters' attention. In general, the number of committee meetings on both treaties was lower than in the context of previous treaties (see appendix 1, table G). One possible explanation for low activity trends might be the fact that the Government had no express obligation to inform the Chamber on intergovernmental treaties outside of the EU legal framework. Indeed, the RoP mentions only the founding treaties of the EU. As we will see in the next section, the Government's predominance on the discussions restrained parliamentary activity.

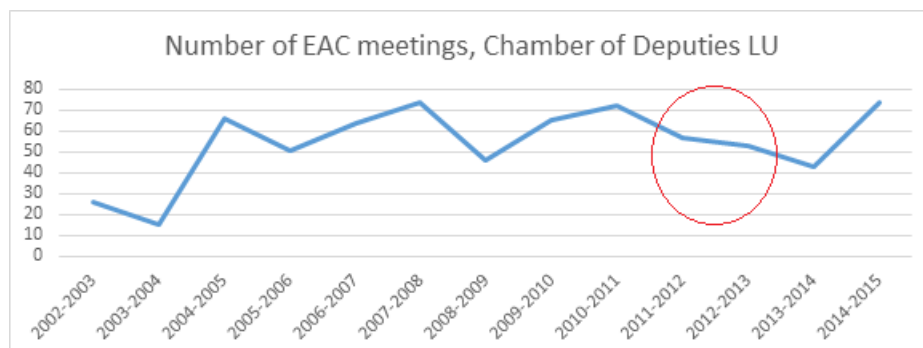
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<sup>194</sup> <http://www.europaforum.public.lu/fr/actualites/2012/10/csl-traite-gouvernance/index.html>  
<http://www.europaforum.public.lu/fr/actualites/2012/05/ogbl-reding-aktuell-pacte/index.html> (last accessed 19.03.2018).



In general, if we observe the number of EAC meetings over the period 2011-2013, we observe an activity decline as shown in the graph below.

**Figure 24: Number of EAC meetings in the context of the ESM and TSCG (in total), Chamber of Deputies**



Source: Own calculations based on the annual analytical tables provided by the Chamber of Deputies, <http://www.chd.lu/wps/portal/public/Accueil/TravailALaChambre/SeancesPubliques/ComptesRendusSeances> (last accessed 19.03.2018).

Firstly, the decline could be explained by the fact that issues related to the financial crisis were addressed by the Finance and Budget Committee, removing EU matters from the EAC's agenda. Secondly, the anticipated legislative elections in 2013 might have affected MPs' priorities and pushed them to focus more on national/local issues. The same trends can be observed in the use of parliamentary questions on EU affairs (see figure 17). MPs asked 26 questions on EU issues in 2010-2011, 24 questions in 2011-2012 and 17 in 2012-2013. Parliamentary instruments were not used frequently on the ESM and the TSCG, but rather on general issues related to the financial and economic crisis. Among the nine parliamentary questions submitted on the financial crisis, 4 were on the ESM and the TSCG. MPs submitted 4 requests for topical debates, but none were on the treaties (see appendix 1, table H).

Between 2009 and 2013, we observed that the proportion of parliamentary instruments submitted by MPs with a sceptical position towards anti-crisis measures rose, which seems to confirm sub-hypothesis H1.1. Political ideologies affected parliamentary involvement in the sense that political positions became more nuanced between the parties. Contrary to the previous treaties, supporters and opponents became more visible. In the case of the financial crisis, we observe that MPs with sceptical positions became more active. The ADR and Déi Lénk rejected the treaties. Within the pro-European camp, Déi Gréng became increasingly sceptical towards the TSCG. Coalition partners also started to disagree on the help packages. Even though all parties were fundamentally in favour of European integration, specific aspects of the European crisis management triggered consternation among MPs.

The same seems to apply for sub-hypothesis H1.2. MPs from the opposition used more often parliamentary instruments to criticise the Government or obtain missing information<sup>195</sup>. Contestation of the European anti-crisis measures and the coalition's financial and economic policy tended to be the main drivers of parliamentary activity. Coalition MPs abstained from

<sup>195</sup> 19 out of 24 submitted parliamentary instruments emanated from the opposition (see table).

scrutinising their Government in a context of growing political tensions. They needed to show their support and to defend a unanimous opinion in front of a more scattered opposition. The few LSAP MPs that submitted parliamentary tools (one resolution and one motion) did it rather because of personal convictions, as noticed already in the previous sections. Overall, polarisation did not emerge as such despite growing disagreements between the parties. Persistent consociational practices nuance sub-hypothesis H1.3.

We distinguished two categories of active MPs during negotiations on the ESM and the TSCG. Members of the EAC and the Finance Committee were both equally involved. Some EAC members were at the same time Finance Committee members. The shift of competence from the EAC to the Finance and Budget Committee explains why EU affairs might have been split between two types of actors. Decentralisation of EU affairs worked towards a specialised committee that was the most competent to deal with technical matters related to financial policies. Experts in economic and financial issues were as much involved as MPs with “Europeanised” profiles. Therefore, sub-hypothesis H2.1 is partially verified, because key players’ profiles were more diverse. For instance, the then president of the DP group was member of the Finance committee from 2009 to 2013, obtained his degree in Economics in 1998 and worked for the Luxembourg Bank from 1999 until 2013. Another CSV member of the Finance Committee became Minister within the Ministry of Foreign Affairs in 2013. An ADR MP member of the Finance Committee was previously a long-term EAC member and participated in the Convention on the Future of Europe. MPs with double memberships in the EAC and the Finance Committee had a privileged position and used their expertise in both domains to scrutinise the treaties. Just as during the previous treaties, most key players were senior MPs that followed the Constitutional Treaty and the Lisbon Treaty. Their knowledge on the negotiation processes and their extensive experience in EU affairs made them legitimate spokespersons of their group or committee. Most of them participated in interparliamentary conferences and were sensitised to EU issues independently from their committee membership.

On top of that, most key players occupied leading political positions, such as president of a parliamentary group, member of the parliament’s Bureau or committee (vice) chair. Almost all group leaders were involved in the discussions. For instance, the presidents of the DP, LSAP, ADR and Déi Gréng groups scrutinised the Government’s EU policy and participated actively in the debates. More specifically, the leader of the Green parliamentary group was very active in discussions on both the ESM and the TSCG. Political leadership was especially predominant in the Finance and Budget committee. Indeed, whenever a key player belonged to the Finance Committee, the MP was also the president of his/her parliamentary group. For instance, one MP was cumulating the position of group president and vice-chair of the Finance and Budget Committee. We could not find this trend among EAC members, except for one LSAP member who was also EAC Chair. The fact that political leaders were the main key players in the debates proves that the financial crisis was a particularly salient matter for parties and their affiliated parliamentary groups. Leaders had thus the political obligation to monitor closely the discussions and represent their party’s interests in Parliament. Just as in the case of the Constitutional Treaty and the 2005 referendum campaign, the mediatization and politicisation of a European topic, i.e the financial crisis in the present situation, motivated group and party representatives to become active and defend their own political positions. We could not observe



this trend during discussions on the Lisbon Treaty, because its low salience did not fuel political tensions and did not force political leaders to leave a mark in the public sphere. Therefore, MPs' profiling strategies happened mainly through the parliamentary or party channel. These arguments permit to validate partially sub-hypothesis H2.2. Indeed, even though polarisation was non-existent within Parliament, political tensions and the technicity of the treaties encouraged sectoral committee members to become active scrutinisers alongside EAC members.

Prior experience in Government did not play any role in their involvement, just as observed during the previous treaties. Thus, the Government tried to influence parliamentary discussions through other means, for instance through its CSV rapporteur on the ESM and the TSCG, its LSAP group leader who was at the same time EAC Chair, as well as its CSV group leader who was Chair of the Finance Committee. We found that MPs from the majority occupied the most important positions in Parliament and were able to keep a hand over the negotiation processes.

However, the analysis of key players' profiles does not confirm any impact of national interest groups on MPs' positions. Indeed, among all active MPs, only one ADR MP belonged to an affiliated trade union (NGL). As expected, the MP defended a critical stance on the Fiscal Compact. There is also no clear evidence that civil society might have played a significant role in parliamentary work through the publicisation of opinion. Indeed, the OGBL's position on the TSCG did not seem to affect the work of LSAP MPs<sup>196</sup>. The same can be said for the critical opinion of the Chamber of Employees. The quasi absence of interactions with trade unions is even more surprising as the crisis was a particularly salient matter on the domestic level.

Even though the economic and financial crisis was a significant issue for Luxembourg, parliamentary activity remained rather circumscribed, which seems to call hypothesis H1 into question. The ESM and the Fiscal Compact were both salient matters in Luxembourg, but this salience was not reflected in parliamentary activity. A Déi Gréng MP criticised for instance the lack of concertation between majority and opposition, as well as the lack of debates within the Chamber<sup>197</sup>. According to the MP, Parliament did not take into account the professional chambers' opinions. On top of this, the Government tended to minimise discussions with the opposition on the Fiscal Compact, knowing that the DP party would back the ratification, fulfilling the required two-thirds majority in the Chamber of Deputies.

#### *5.6.2 The ESM and the TSCG: an opportunity for institutional change within the Chamber of Deputies?*

Arguments in favour of reinforcing the Chamber's formal capacities reappeared in the wake of the economic crisis. In November 2008, a DP MP submitted a resolution requesting

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<sup>196</sup> LSAP MPs barely used scrutiny instruments and voted in favour of the ESM and the TSCG.

<sup>197</sup> <http://www.europaforum.public.lu/fr/actualites/2013/02/tscg-greng-cdp/index.html> , <http://www.greng.lu/actualites/fiskalpakt-sabotiert-soziales-europa-auch-luxemburg> (last accessed 19.03.2018).

the establishment of a temporary special committee on the economic and financial crisis<sup>198</sup>. The special committee was set up on 19<sup>th</sup> December 2008 and met 16 times between the end of 2008 and March 2009. The aim of this newly established structure was to examine the impact of the crisis on the financial and economic sectors. The committee organised 12 hearings with trade unions, banking and insurance associations, professional chambers and federations, ministers and representatives from European institutions. A report was produced at the end of the hearings and addressed recommendations to the Government on the type of measures needed to solve the crisis. An orientation debate was organised in March 2009 to discuss the committee report<sup>199</sup>. The DP MP that initiated the creation of the structure called for a permanent instrument to follow the financial crisis, arguing that political pluralism and polarisation needed to be preserved on these issues to obtain a fruitful debate. However, majority MPs rejected the extension of the committee's mandate. The LSAP pointed out that legislative work should stay within the competences of permanent committees. The special committee did not suggest new solutions. Debates between 2010 and 2012 in the EAC, the Finance and Budget Committee, as well as in plenary, came back regularly on the issue of parliamentary participation in budgetary policy. Discussions on procedural revisions were more publicised through plenary discussions than previous reform debates (see appendix 1, table I).

Initiators of institutional change were both EAC members and members of the RoP Committee. While members of the Finance Committee were very active in the scrutiny process of the treaties themselves, they abstained from participating in discussions on institutional change. Both members of the EAC and the RoP committee can be considered as the main “political entrepreneurs” of change, because they focused on the institutional implications arising from the treaties. Consensus on reforms was broad once again. MPs with “Europeanised” profiles were the main actors of change, which validates sub-hypothesis H3.2. Their profiles were almost identical to those observed in the previous sections. Once again, most players were already active in prior discussions on institutional revisions and had experience in this field. Both members of the EAC and of the RoP committee were senior MPs with extensive political experience within the Chamber of Deputies. Majority MPs from the LSAP and CSV were again the most engaged. In particular, the LSAP pushed to a further strengthening of parliamentary scrutiny powers. The then EAC Chair and LSAP member made it a personal priority to insist on procedural revisions, as he did it since the Constitutional Treaty (Interview 4, 2017).

Leadership positions within Parliament or political groups also affected MPs' involvement in debates on institutional change. The main reason lies in the fact that these discussions happened mostly in plenary alongside discussions on the financial crisis. Therefore, political leaders probably aimed to leave a political mark. The DP, LSAP and Déi Gréng group leaders were contributing to the discussions, while the rest of the “political entrepreneurs” of change were committee (vice) chairs. Most MPs also participated in interparliamentary conferences and almost all COSAC members counted among the initiators of change. These

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<sup>198</sup> 11.11.2008, 7th plenary session, TOP4 Dépôt d'une résolution par M. Charles Goerens relative à l'instauration d'une commission spéciale pour le suivi de tous les aspects liés à la crise financière et au ralentissement économique.

<sup>199</sup> 26.03.2009, 39th plenary session, « Débat d'orientation N°5977 au sujet de la crise économique et financière ».

sociological features prove again that the profiles were very similar from one treaty to the other and that debates were reserved mostly to professionalised expert MPs.

Contrary to the previous treaties, the parliamentary administration did not play a substantial role in procedural revisions. The Secretary General participated in a meeting of the Finance and Budget committee and suggested to create a memorandum between Parliament and the Ministry of Finance on the basis of the memorandum on EU affairs<sup>200</sup>. Overall, discussions on procedural changes happened in the public space of plenaries, which indicates that MPs aimed to publicise and politicise the issue of their parliament's participation rights in EU affairs.

In June 2010, the CSV requested and led a topical debate on parliamentary participation rights concerning the monitoring of budgetary policies<sup>201</sup>. A DP MP wished that the Chamber of Deputies had ex-ante control competences that would allow it to receive information on the budgetary situation in other Member States. During a plenary debate in December 2010<sup>202</sup>, the LSAP rapporteur on the State budget from the Finance and Budget Committee argued that budgetary procedures in Luxembourg needed to be reformed. The MP submitted a motion requesting an improved involvement of the Parliament in the European semester. Cooperation with the Government was also addressed several times in plenary. In July, September and December 2011<sup>203</sup>, during plenary debates on the financial crisis, the LSAP reproached the Government to inform the Chamber after Council meetings. The MP expressed the wish that government members consult parliamentary committees ex-ante. The Chamber of Deputies should be informed at the earliest possible stage of any decisions in economic and financial policies that could have a direct impact on the country. The same day, the President of the Chamber discussed the evolution of working practices in EU affairs and regretted that delays still occurred whenever the Government transferred impact assessments from European Institutions. These arguments were reiterated in March 2012<sup>204</sup>, when the group Déi Gréng requested a topical debate on the Greek sovereign debt.

At the end of 2011, discussions on the 2012 budget brought up the issue of the growing link between national and European budgetary control and the potential impact on the Chamber's scrutiny procedures. An LSAP MP pleaded during the plenary debates of December 2011 and January 2012 for Parliament's earliest possible involvement in the national budgetary

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<sup>200</sup> See in the table above : 25.04.2013, Meeting of COMFI

<sup>201</sup> 01.06.2010, 31st plenary session, TOP 7 « Interpellation de M. Claude Meisch au sujet de l'avenir de notre place financière » ; « Heure d'actualité demandée par le groupe LSAP sur la régulation des marchés financiers et l'introduction d'une taxe sur les transactions financières » ; « Heure d'actualité demandée par le groupe CSV sur le contrôle des politiques budgétaires nationales par la soumission des projets de budgets des pays européens à un contrôle ou une concertation ex ante au niveau européen ».

<sup>202</sup> 07.12.2010, 12th and 13th plenary sessions, TOP 6200 – « Projet de loi concernant le budget des recettes et des dépenses de l'État pour l'exercice 2011 ».

<sup>203</sup> 14.07.2011, 46th plenary session, TOP 1 « Interpellation de M. Claude Meisch sur la crise de la dette européenne (DP) » ; 15.09.2011, TOP 6 and 8 : « 6314 Projet de loi modifiant la loi du 9 juillet 2010 relative à l'octroi de la garantie de l'Etat dans le cadre de l'instrument européen de stabilisation de la zone euro » ; 06.12.2011, « Un budget 2012 placé sous le signe du semestre européen a été débattu à la Chambre avant d'être adopté », 08-12-2011, <http://www.europaforum.public.lu/fr/actualites/2011/12/chd-budget2012/>

<sup>204</sup> 06.03.2012, 18th plenary session, TOP14 « Heure d'actualité du groupe déi gréng sur les décisions du Sommet de l'Union Européenne du 20 février par rapport à la crise de la dette souveraine grecque ».

procedures<sup>205</sup>. At that time, the president of the LSAP group expressed the wish to include the Chamber in procedures related to the European Semester monitored by the European Commission<sup>206</sup>. During the debates on the ESM in June 2012, the LSAP group regretted that the treaty did not mention parliaments' role and highlighted the fact that the Chamber needed to strengthen its resources to be able to monitor the financial crisis and to better communicate with citizens through plenary debates<sup>207</sup>. The Déi Gréng group even submitted a motion asking the Government to inform systematically the Finance and Budget Committee on decisions taken on the European level linked to the ESM<sup>208</sup>. The request submitted by the Greens was already discussed during a meeting of the Finance and Budget Committee on 20<sup>th</sup> March 2012<sup>209</sup>. Committee members had already asked the then Finance minister to inform the Chamber prior to granting financial assistance to a Member State in the ESM framework. The Finance Minister approved the request, but warned that the Chamber would not receive any right of approval.

Negotiations on the TSCG also triggered discussions within the EAC and the plenary on the role of the Chamber in light of Article 13 of the treaty<sup>210</sup>. MPs underlined the necessity to hold minimum twice per year a debate on the monetary and economic policy. Sectoral committees should also get more involved in EU affairs. In the EAC meeting on 17<sup>th</sup> December 2012, an LSAP MP submitted a resolution on the role of national parliaments in the future budgetary, financial and economic union. The MP requested an orientation debate that would tackle the role of parliaments in the democratic control of the measures included in the TSCG, an improvement of the Chamber's resources and the development of the cooperation with the European Parliament. A debate in plenary on this resolution was organised on 19<sup>th</sup> December 2012<sup>211</sup>. Initiatives were also taken by the Chamber to communicate about its role in the budgetary policy. In February 2013, the Chamber organised a debate on its TV channel about

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<sup>205</sup> 14.12.2011, 12th plenary session, TOP1 « Déclaration de M. Jean-Claude Juncker, Premier Ministre, Ministre d'Etat, relative aux conclusions du Conseil européen des 8 et 9 décembre 2011, suivie d'un débat »; 26.01.2012, 14th plenary session, TOP9 « Déclaration sur la position du Gouvernement luxembourgeois à l'égard du Traité international sur la stabilité, la coordination et la gouvernance dans l'Union économique et monétaire ».

<sup>206</sup> In the framework of the European Semester created in 2010, Member States have to submit each year their "country's plans for budget, macroeconomic and structural reforms" (called National Reform Programmes). The European Commission analyses these plans and submits recommendations to the governments ( see [https://ec.europa.eu/info/business-economy-euro/economic-and-fiscal-policy-coordination/eu-economic-governance-monitoring-prevention-correction/european-semester\\_en](https://ec.europa.eu/info/business-economy-euro/economic-and-fiscal-policy-coordination/eu-economic-governance-monitoring-prevention-correction/european-semester_en) , last accessed 20.03.2018).

<sup>207</sup> 26.06.2012, 34<sup>th</sup> plenary session, TOP 5 6334 - Projet de loi portant approbation de la décision du Conseil européen du 25 mars 2011 modifiant l'article 136 du traité sur le fonctionnement de l'Union européenne en ce qui concerne un mécanisme de stabilité pour les États membres dont la monnaie est l'euro ; 6405 - Projet de loi portant approbation du traité instituant le mécanisme européen de stabilité, signé le 2 février 2012 à Bruxelles ; 6406 - Projet de loi relative (1) à la participation de l'État au mécanisme européen de stabilité; (2) à certaines immunités du mécanisme européen de stabilité et de la banque européenne d'investissement et (3) modifiant la loi modifiée du 9 juillet 2010 relative à l'octroi de la garantie de l'État dans le cadre de l'instrument européen de stabilisation de la zone euro

<sup>208</sup> Ibid., motion 1, François Bausch, groupe parlementaire Déi Gréng, « Veiller à la transparence de la gouvernance du Mécanisme Européen de Stabilité vis-à-vis de la Chambre des Député-e-s ».

<sup>209</sup> See meeting COMFI 20.03.2012 (A-CHD-P-2012-O-FI-25).

<sup>210</sup> See EAC meeting 17.12.2012 (A-CHD-P-2012-O-AEDCI-16), 04.03.2013 (A-CHD-P-2013-O-AEDCI-31); 27.02.2013, 23rd plenary session, TOP2 « 6449- Projet de loi portant approbation du traité sur la stabilité, la coordination et la gouvernance au sein de l'Union économique et monétaire, signé à Bruxelles, le 2 mars 2012 ».

<sup>211</sup> 19.12.2012, 19<sup>th</sup> plenary session, TOP2 Résolution de M. Ben Fayot relative au rôle des parlements nationaux dans la future union budgétaire, financière et économique

the role of parliaments in budgetary policy<sup>212</sup>. Both ADR and LSAP MPs regretted during the TV debate that the Chamber lost its budgetary power and that it should be endowed with the needed resources to influence decisions. An interviewee argued that the lacking parliamentary culture to handle systematically EU affairs and financial questions would persist nowadays and would limit the Chamber's powers in these fields (Interview 21, 2017). The conference foreseen by Article 13 TSCG is perceived as inefficient by most MPs (Interview 6, 8, 2017). Results of these conferences are rarely incorporated in the work of the Chamber, apart if they are perceived as a national priority.

The improvement of the Chamber's participation rights in EU affairs, specifically in the European budgetary procedures, became a national electoral issue in 2013. All parties encouraged the development of the Parliament's scrutiny power in their electoral programmes. The LSAP programme mentioned the most extensively the role of national parliaments<sup>213</sup>. Déi Gréng made suggestions for a better involvement of the Chamber, such as reforming the double mandate system, establishing scientific competences supporting MPs' work, creating a permanent EAC, increasing the personnel handling EU affairs or publicising committee meetings<sup>214</sup>. The role of the Chamber of Deputies in the wake of the financial and economic crisis became a national issue and a relevant argument for re-election prospects. Even though several calls for procedural changes were issued between 2010 and 2013, concrete amendments to the Chamber's RoP happened only in 2013-2014, in the context of the electoral campaign and after the election of a new three-party coalition in October 2013. The trigger for these changes were not the ESM and the TSCG, but rather the European Semester. In April 2013<sup>215</sup>, the Finance and Budget Committee discussed the adaptation of the Chamber's procedures to those of the European Semester. The then president of the committee presented the suggestions made to improve the Parliament's role in the budgetary procedure. The MP proposed to establish a glossary for the committee members containing the terminology related to the economic governance. During the Government's discourse on the State of the Nation, a section should be reserved to the Stability and Growth Pact, as well as the National Reform Programme. The Finance and Budget Committee also suggested organising every year in June a debate on the European Commission's recommendations on both programmes. A memorandum between the Government and the Parliament on financial policies could be envisaged on the model of the memorandum adopted on EU affairs.

The suggestions were translated into a law proposal amending the Chamber's RoP that was examined by the Committee on the Rules of Procedure on 20<sup>th</sup> November 2014 and adopted unanimously in plenary on 27<sup>th</sup> November 2014. Changes to the RoP were implemented, but did not correspond to the changes requested by the members of the Finance and Budget Committee, which can be seen here as the "political entrepreneurs" of the parliamentary

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<sup>212</sup> 04.02.2013, Jean-Claude Juncker, invité de Chamber aktuell, répond à ceux qui dénoncent le déficit démocratique de la coordination des politiques budgétaires que "c'est l'affaire des parlements nationaux que d'utiliser les droits que leur donnent les traités" 06-02-2013, <http://www.europaforum.public.lu/fr/actualites/2013/02/chd-chamber-aktuell-jcj/index.html> (last accessed 20.03.2018).

<sup>213</sup> LSAP-WAHLPROGRAMM 2013 LOSCHT OP MUER !

<sup>214</sup> Déi Gréng, Programme 2013, Plus Vert. Plus Responsable.

<sup>215</sup> See COMFI meeting 25.04.2013 (A-CHD-P-2013-O-FI-29).

reforms. Indeed, while the committee requested better information exchange and coordination with the government and the European Commission in the framework of the European Semester, the final changes made to the RoP regulated solely internal committee procedures without reference to coordination mechanisms with the Government<sup>216</sup>.

These elements speak indirectly against sub-hypothesis H3.1. Indeed, even though the salience of EU affairs increased in the context of the financial crisis, amendments to the existing scrutiny procedures were barely revolutionary. Institutional change remained at the stadium of ideas and requests, even though the Chamber's scrutiny system needed further revisions. MPs repeated their wish to strengthen the information flow with the Government, but it translated merely in few communication actions and stayed on the rhetorical agendas. Even though the Chamber of Deputies' formal rights in EU affairs remained circumscribed, we could not observe substantial institutional change.

### *5.6.3 Conclusion*

In this part, we observed that the salience of the financial and economic crisis in Luxembourg did not lead to enhanced parliamentary activity. Polarisation premises appeared during discussions on the TSCG. Déi Gréng supported the ESM, but joined the critical camp alongside Déi Lénk and ADR on the TSCG. Dissenting opinions also appeared within coalition parties. The LSAP viewed critically the CSV's position on the Fiscal Compact. However, discrepancies within parties were not mirrored in Parliament. Indeed, the analysis of MPs' voting behaviour showed that group discipline prevailed. MPs from the same parliamentary group voted unanimously on the treaties according to their party's position. However, the votes did not automatically reflect discourses during plenary debates. Indeed, while the DP criticised the Government's ratification bill on the TSCG, it voted in favour of it in the name of solidarity in the EU. Moreover, the two-thirds majority requirements might have forced the DP to support the TSCG in the name of European solidarity. As the DP's voice was needed for the ratification of the treaty, we can say that the Government's EU policy relied on artificial and pseudo-consensual practices.

Pressure from external actors on parliamentary activity was rather circumscribed. For instance, in the context of the ESM, Parliament did not receive any opinion from professional chambers. The latter became active during negotiations on the TSCG, but not to the extent of affecting parliamentary work. However, after the ratification of the Fiscal Compact, the Government's bill on the implementation of the "golden rule" fuelled numerous reactions from professional chambers, associations and banks. The direct impact of the measures on the national financial and budgetary system prompted interest groups to draft opinions. Once again, domestic priorities seemed to be the main driver for involvement in EU matters. On the other hand, the Council of State merely decided that the ratification should proceed according to a two-thirds majority in the Chamber of Deputies. It also decided that a second vote was needed

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<sup>216</sup> Règlement de la Chambre des Députés (Texte coordonné à jour au 1er juin 2015), <http://legilux.public.lu/eli/etat/leg/tc/2015/06/09/n1/jo> (last accessed 20.03.2018).



for the ratification of the ESM. In that sense, the Council of State influenced parliamentary work through procedural requirements. However, its opinions on the ESM had no substantial impact. The establishment of the ESM and Luxembourg's participation in the mechanism did not lead to any observation from the Council of State.

Within Parliament, the complexity of the treaties might explain why only EAC members and experts from the Finance and Budget committee became involved. The requirement of specific knowledge to understand the financial measures meant that EU affairs were not reserved to EU experts, but also to other specialist MPs. The key players that stayed active in the context of the ESM and TSCG were without surprise the same actors that followed the Constitutional Treaty and the Treaty of Lisbon. Their long-term experience in EU affairs made them privileged actors in the examination of the treaties. The role of “political entrepreneurs” of change was shared between EAC members and members of the RoP Committee. Contrary to the revisions undertaken in the wake of the previous examined treaties, the parliamentary administration did not play an important role in the present discussions. Most debates on procedural modifications were led in plenary. Subsequently, most suggestions remained at the stadium of rhetorical ideas. The “ESM ruling” of the German Constitutional Court did not seem either to affect institutional change in the Chamber of Deputies, contrary to the “Lisbon ruling”. Overall, the Chamber merely promoted communication on EU affairs, but substantial institutional reforms were left out.

In light of these elements, we cannot speak here of a trend towards the mainstreaming of EU affairs in the Chamber of Deputies. General awareness certainly grew due to the direct impact of the treaties on national interests, but the general political will driving parliamentary involvement was still missing.

## 5.7 Summary and conclusion

This chapter investigated parliamentary involvement in Luxembourg in the context of the Treaty establishing a Constitution for Europe, the Treaty of Lisbon, the ESM and the TSCG. The aim was to explain the evolution of parliamentary activity and parliamentary reforms in light of MPs' motivations and their institutional framework. Relying on three main hypotheses, we observed that EU and intergovernmental treaties had an influence on parliamentary involvement, to various degrees depending on the treaty. We analysed to what extent parliamentary activity was dependent on polarisation between parliamentary groups (H1), if it translated into a mainstreaming of EU affairs within Parliament (H2) and to what extent EU and intergovernmental treaties triggered institutional change (H3).

Based on the motivational approach, we saw that political ideologies played a role in MPs' activity level in EU affairs in the context of all treaties (H1.1). While pro-European parliamentarians were actively involved in the follow-up of the Constitutional Treaty and the Treaty of Lisbon, the trend started to reverse during the economic crisis, where MPs with sceptical positions tried to counteract actively those with pro-European positions. Positioning

on the political spectrum played a nuanced role during treaties (H1.2). Usually, pro-European MPs were majoritarian and belonged to the coalition or to the biggest opposition parties, while the sovereignists represented a minimal number of opposition MPs. As Luxembourg is relying on a consociational system of decision-making, we could not identify sharp lines of conflict for all treaties between the majority and the opposition. Both the majority and the opposition supported the Constitutional Treaty. The Treaty of Lisbon was supported by all parties, except the ADR. The consensual culture started to crumble during negotiations on the ESM and the TSCG. However, although some MPs from the opposition rejected the ESM, they still voted for it. These political dynamics enabled the Government to control the negotiation process through its majority in Parliament and the absence of strong opposition. In summary, the soft political competition in Luxembourg undermined parliamentary activity. MPs got involved in EU affairs not because of political considerations, but rather because of personal convictions.

While both majority and opposition MPs used parliamentary scrutiny instruments on a rather identical proportion for the first two treaties, the opposition became even more active during the economic crisis. Overall, sharp ideological gaps were not evident within Parliament. Group discipline evolved independently from polarisation trends, even though increased political tensions forced MPs to stick to their party's line (H1.3). While the referendum campaign on the Constitutional Treaty triggered some conflictual lines among parties, the majority was still supporting the treaty. The Treaty of Lisbon did not lead to any conflicts, as barely any MP got interested in it. Finally, the financial crisis and specifically the TSCG pushed to some degree of polarisation between opposition and majority MPs, but only on specific aspects of the treaty. Moreover, we spotted that the salience of EU affairs did not always lead to a higher use of parliamentary instruments. Indeed, while it was the case for the Constitutional Treaty, scrutiny tools were barely used for the ESM and the TSCG. While parliamentary activity was quite balanced between majority and opposition MPs on the Constitutional Treaty and the Treaty of Lisbon, the balance tipped towards opposition MPs when it came to the scrutiny of the ESM and the TSCG. Opposition MPs became more involved during the economic crisis to defend domestic interests. The salience of the crisis led to a growing dissent between the majority and the opposition. Thus, contrary to what the Theory of Endogenous Institutional Change supposes, political competition played only a limited role in parliamentary involvement during EU and intergovernmental treaty negotiations. Overall, we can only partially confirm hypothesis H1 in the case of some treaties, as consociationalism limited polarisation between parties.

Historical and Sociological Institutionalism permitted to test to what extent EU treaties and intergovernmental treaties on the EMU affected or not the mainstreaming of EU affairs within the Chamber of Deputies, by looking at trends stretched out over two decades (H2). We observed that MPs' awareness about EU affairs fluctuated from one treaty to the other and depended on the importance they attributed to EU affairs as well as the degree of political conflict that emerged in the context of the treaties. Indeed, the salience of EU affairs and the ideological gap between MPs increased in the context of the referendum on the Constitutional Treaty in 2005 and the financial crisis, leading to a wider awareness among parliamentarians. Pressure from the civil society affected parliamentary activity in the context of the Constitutional Treaty and the Fiscal Compact. These two events drew attention on domestic



priorities and prompted interest groups to express their opinion. However, interest groups affected parliamentary work through external channels rather than through their affiliated MPs. Within Parliament, few key players were at the same time member of a national union.

In the end, only a limited circle of MPs got actively involved in the follow-up of the treaties. Most of them had a “Europeanised” profile, with the exception of those that dealt with the ESM and the TSCG (H2.1). The latter came from the Finance and Budget Committee and their involvement was rather topic-related in a context of growing political tensions (H2.2). The role of the sectoral expert replaced partially the role of EU experts in the context of the economic crisis. However, the level of professionalisation grew steadily. Especially those EAC members that were active since the Constitutional Treaty appeared to have gained extensive experience throughout the years, which could explain why they were probably seen as most competent to deal with institutional issues deriving from the treaties. Within Parliament, EU affairs are still not perceived as appealing. Therefore, we could not observe any trend towards a mainstreaming of EU affairs within the Chamber of Deputies, even though institutional revisions aimed to move in that direction. In addition to the lack of generalised interest for EU affairs, the small size of the Chamber could also be at the origin of the absence of mainstreaming. The lack of personnel and financial resources, MPs’ multiple committee memberships, their double-mandates and sometimes parallel jobs do not give them enough time to deal with EU matters that won’t allow them to be re-elected in their constituency. Therefore, hypothesis H2 is only partially validated.

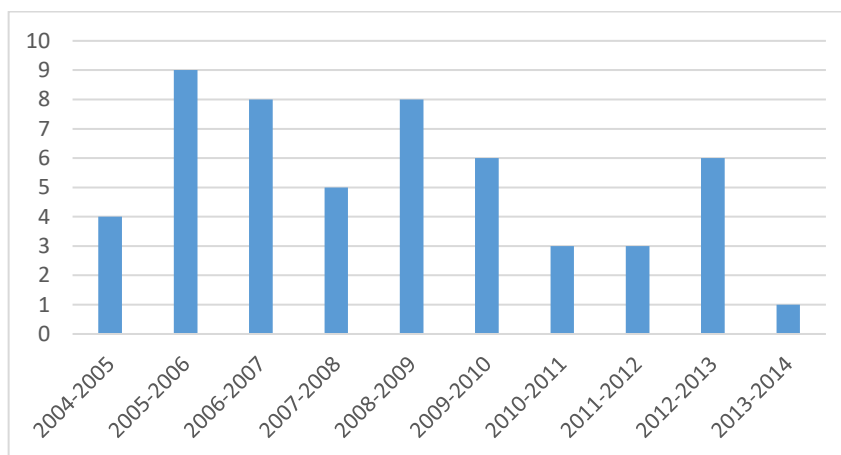
Moreover, even though a limited circle of MPs were aware that the Chamber of Deputies’ participation rights needed to be reformed (H3), it did not systematically lead to effective implementation. Indeed, parliamentary strength in EU affairs and processes of institutional change were not always correlated (H3.1). Luxembourgish MPs were conscious about the need to improve their scrutiny rights, but efforts to reform the procedures and structures were quite moderate. Consensus between parliamentary groups was present during the whole process of procedural and structural reforms. Parliamentary culture was a significant determiner of institutional change within the chamber (H3.2). Contrary to ideological divergences on the treaties and a rather conflictual environment in the wake of the ESM, all groups agreed unanimously on the direction and extent of institutional change within the Chamber. Independently from ideological considerations, revisions were tackled in a constant consensual atmosphere. Majority MPs led the discussions and drafted all the reports on RoP amendments, proof that coalition partners controlled closely the direction of change within the Chamber of Deputies. One main observation is that the salience of treaties does not always correlate with the scope of institutional change. All parties thought that the Constitutional Treaty was salient and subsequently triggered institutional reforms within the Chamber of Deputies. On the contrary, most MPs ignored the Treaty of Lisbon, but discussions continued among a limited circle of MPs about the need to pursue the strengthening of scrutiny rights. The then EAC Chair particularly insisted on the need to develop better cooperation with the government and to strengthen the information flow. In that respect, the “Lisbon ruling” of the German Constitutional Court played a crucial role in the motivation and efforts of the “political entrepreneurs” to promote parliamentary participation in EU affairs. Based on the German model, the Luxembourg Chamber of Deputies was encouraged by both the EAC Chair and the

Secretary General to improve the scrutiny system. Finally, the ESM and especially the TSCG did not lead to substantial amendments, even though both treaties had a special importance in Luxembourg.

In light of all these elements, it is possible to assess the direction of institutional change in EU affairs within the Chamber of Deputies (H3.3). Considering that institutional change happened punctually and parallel to each treaty and that it took mostly the form of amendments to the RoP, we can conclude that the transformative process within the Chamber happened through two processes: “layering” and “drift”. Therefore, we can partially validate sub-hypothesis H3.3. Institutional change through “layering” happened incrementally within the Chamber, as new rules were added gradually in response to institutional developments on the European level. This type of institutional change happened in the context of the Constitutional Treaty and the Lisbon Treaty. The latter required also the creation of new rules concerning the subsidiarity mechanism, as well as a new information policy. Amendments completed existing rules and new institutional arrangements were created in response to missing ones. Finally, the absence of revisions during negotiations on the ESM and the TSCG, despite multiple debates on the need to reinforce parliamentary prerogatives, led us to the conclusion that rules were deliberately not adapted to Parliament’s changing environment. “Drift” can thus best explain the absence of revisions in the context of the economic crisis.

The graph below (figure 28) shows the number of discussions led within the Chamber on procedural reforms. We observe that the Constitutional Treaty and the Treaty of Lisbon triggered more debates on the change of scrutiny procedures than the ESM and the TSCG.

**Figure 25: Number of discussions on procedural reforms including committee and plenary debates (in total), Chamber of Deputies, 2004-2014**



Source: Own calculations based on statistics from the Chamber’s website.

According to the Theory of Endogenous Institutional Change, layering means the replacement of existing rules by new ones through amendments or revisions. Contrary to the assumption of the Theory of Endogenous Institutional Change that transformation is caused by conflicting interests and competition between rule makers and rule takers, change within the Chamber of Deputies emerged within a consensual framework where all actors agreed on the direction of change. All parliamentary groups supported the successive amendments to the

scrutiny system. So-called “political entrepreneurs” initiated these changes. Parliamentary reforms in the context of the Constitutional Treaty and the Treaty of Lisbon were exclusively pushed by “Europeanised” MPs, while MPs from the Finance and Budget Committee can be considered as the “political entrepreneurs” of change during the economic and financial crisis. “Political entrepreneurs” did not become active because of competing interests over the nature and functions of the Parliament, but rather because they reinterpreted normatively the role of the Chamber. In the context of the Constitutional Treaty, a common understanding emerged among MPs that Parliament needed to be more involvement in the European decision-making process. On top of this, MPs were backed by the parliamentary administration, who exerted a considerable influence on revisions that took place in the wake of the Constitutional Treaty and the Treaty of Lisbon. As all parliamentary groups agreed on the need to strengthen the Chamber’s scrutiny rights, despite their diverging opinions on the treaties themselves, we can say that the normative causes of change speak in favour of arguments from Sociological Institutionalism.

After each treaty, the same discussions on the Chamber’s participation rights in EU affairs came back, proof that measures were barely implemented. Despite a multitude of reform suggestions from EAC members, most of them remained at the stage of rhetorical promises. The last burst of conscience on the need to reform parliamentary procedures happened in March 2015, when several MPs from the Finance and Budget Committee expressed their wish during an informal meeting to improve scrutiny procedures in the framework of the SGP and the NRP. Like the previous times, proposals were not implemented and re-emerged punctually (Interview 23, 2018). In the end, parliamentary involvement in EU affairs depended highly on individual motivation and the political culture. Considering both the Chamber’s formal capacities and MPs’ motivations, we observe that “institutional Europeanisation” remained partial, while “emotional Europeanisation” seemed to be at a more advanced stage.

## Chapter 6. Parliamentary involvement in EU affairs in the Austrian National Council

The second empirical chapter focuses on the Austrian National Council's involvement in EU affairs. The first part outlines the institutional framework in which the lower chamber is rooted. We will explain which actors play a significant role in the Austrian legislative process, before outlining the different decision-making steps. The second section deals more specifically with the current status quo of the National Council's participation rights in EU affairs, including an analysis of its legal basis, its parliamentary administration, but also the role of parliamentary groups and committees, as well as the relation with the Government. The understanding of the institutional context and the status quo of the chamber's scrutiny rights in EU affairs will then permit to assess more precisely effective parliamentary involvement in EU affairs in the section 6.3, as well as in the wake of EU treaties and intergovernmental treaties on the EMU in the sections 6.4, 6.5 and 6.6.

### 6.1 Austria: general institutional framework

Austria is a small federal state with a multi-level governance, where political actors from the local, regional and federal levels closely cooperate with each other. The competences are distributed between the Federal State and 9 regions called "Länder". While the main competences remain between the hands of the Federal State, the "Länder" can participate in the legislative process through the upper chamber of parliament, the Federal Council (Bundesrat). Since 1929, the political regime of Austria is constitutionally and *de jure* semi-presidential, but *de facto* a parliamentary democracy, because the Austrian President's powers are weak in practice (Hefftl/Neuhold/Rozenberg/Smith, 2015; Miklin, 2012). Just as Luxembourg, many authors describe Austria as a proportional and consociational democracy with neocorporatist features (Stromberger et al., 2005). In the framework of Austrian corporatism, civil society and political parties play a crucial role in the decision-making process. Consociationalism and neo-corporatism emerged in Austrian society to preserve the country's small economy highly dependent on international trade (Schultz, 1992). The accession to the EU was thus controversial for a country that wished to preserve its well-established cooperation patterns, but at the same time saw the EU as an opportunity to secure further economic development. Before the 1980s, some political parties such as the SPÖ were critical towards the European Communities, because European integration would represent a threat for both Austrian markets' competitiveness and the country's neutrality. Austria's membership to EFTA in 1960 was thus one step closer to an envisaged accession and aimed to prove to the EC its will to develop further collaboration and to strengthen its position in future membership negotiations. Only in 1987, when the SPÖ and the ÖVP formed a new coalition government and Austrian SME's competitiveness decreased, did political elites' awareness evolve in favour of European integration. Membership was then seen as a trigger for internal structural reforms and as necessary with regard to the country's historical past, geographical position and

cosmopolitanism (Luif, In: Hanf/Soetendrop, 1998; Maurer/Neisser/Pollak, 2015). Austria's accession to the EU in 1995 obliged the country to adapt abruptly to the "acquis communautaire". In the wake of this event, constitutional revisions had to be undertaken and Parliament's rights in EU affairs established. Alongside Austria's membership to the EU and the growing Euroscepticism of the population, the Austro-corporatist and consociational model crumbled continuously. The first section presents the main actors of the legislative process. The second section deals with the legislative process itself, in particular how EU affairs are being handled step by step on the national level.

### *6.1.1 Actors of the legislative process*

The first section outlines the distribution of competences between the main actors in the Austrian legislative process. The executive and the Parliament lead the process, closely monitored by interest groups and social partners. Political parties play a predominant role and transform government-parliament relations into majority-opposition dynamics. The Federal Constitutional Court serves as the guardian of the Constitution.

#### *6.1.1.1 The executive: the Federal Chancellor and the Government*

The executive power in Austria is distributed unevenly between two actors: the Federal President and the Federal Chancellor. The Federal President of Austria has significant constitutional competences fixed in the Constitution in 1929, but most Presidents have used the latter in a restrictive way (Helms/Wineroither, In: Helms/Wineroither, 2017). Due to their renouncement of the full exercise of their competences, the Austrian political regime appears to be formally a "presidential-parliamentary" regime where the typical features of such a regime disappear in the constitutional practice (Helms/Wineroither, 2017). Formally, the Federal President is the Head of State directly elected by the citizens for a period of six years. He/she appoints and leads the Government. The President "convokes the National Council each year for an ordinary session" and declares them closed (Article 28 B-VG). He/she can dissolve the National Council (Article 29 B-VG), but is also accountable to it in the framework of his functions (Article 68 § 1 B-VG). He/she authenticates the enactment of federal laws (Article 47 §1 B-VG) with the countersignature of the Federal Chancellor and appoints federal civil servants (Article 65 §2 B-VG). On top of his domestic competences, the Federal President also represents Austria internationally and can conclude state treaties (Article 65 §1 B-VG). In specific cases, this competence can be delegated to the Federal Government (Article 66 § 2 B-VG) or to a Land Government (Article 66 § 3 B-VG).

Austrian governments are characterised by two-party coalitions between the SPÖ and the ÖVP, with few exceptions in the past, where coalitions were formed between the SPÖ and the FPÖ in 1983-1987 and between the ÖVP and the FPÖ/BZÖ in 2000-2007. Between 2007 and 2016, the SPÖ and the ÖVP formed again a Grand Coalition for nearly ten years. The table hereafter sums up the coalition formations since 2000.

**Table 12: Coalition governments in Austria, 2000-2019**

Period	Coalition government
2000-2003	ÖVP-FPÖ
2003-2007	ÖVP-FPÖ, BZÖ
2007-2008	SPÖ-ÖVP
2008-2013	SPÖ-ÖVP
2013-2017	SPÖ-ÖVP
2017-2019	ÖVP-FPÖ
Source: Own calculations.	

Government formation reflects clientelist practices, because the choice of ministers serves foremost to maintain a certain network of contacts among social partners supportive of the coalition's policies. The SPÖ and ÖVP maintain the commonly accepted practice of ministry "reservation". As the two biggest parties of Austria, their deep-rooted influence into society through their presence in civil society organisations makes them powerful actors of the decision-making process (Wineroither/Kitschelt, In: Helms/Wineroither, 2017). Thus, political power is mostly concentrated between their hands, and the initiative to form a coalition alternates between the two parties. However, the ÖVP remains the predominant coalition partner until now. The close ties between government parties and social partners is especially visible in ministers' profiles. The latter endorse the role of policy experts and come mostly from the ranks of social partners, the latter playing a significant role in the choice of minister positions in specific policy fields (Helms/Wineroither, In: Helms/Wineroither, 2017). Due to these grand coalition constellations and the strong influence of civil society organisations on the Government's policies, the Prime Minister's scope of action remains quite limited. Compared to the Federal President, the constitutional powers of the Prime Minister are moderate. Just as the Federal President, the Prime Minister leads the Government (Article 69 B-VG). However, the latter exerts the predominant influence in this diarchy. The Prime Minister can suggest nominations of ministers (Article 70 B-VG), but he can neither organise, distribute nor give instructions to ministries, as this prerogative belongs to the Federal President (Article 70 § 1 B-VG). Once the Federal President has appointed the cabinet, it has to present itself to the National Council within one week (Article 70 B-VG). Ministers chosen among parliament members can keep their MP position within the National Council. As the highest administrative body, the Government manages the State administration. The Government is accountable only to the National Council, which can pass a vote of no confidence (Article 74 B-VG). Individual government members are responsible to the National Council according to article 76 B-VG. Government can also be held accountable by the lower chamber through the Federal Constitutional Court if a minister contravenes the law.

Within Government, decisions follow the unanimity principle. Each minister has a veto right in the meetings of the national Council of ministers. However, the efficiency of decisions taken in this body is limited due to its big size, the low meeting frequency and the shift of power to other bodies such as political parties or unions and associations (Talos/Kittel, 2001). As decision-making within Government bases on the unanimity rule, divergences between coalition partners might represent a challenge. To reduce conflictual situations, government members meet informally with their respective parties. On top of this, different dialogue formats between ministers aim to encourage discussions: minister committees can be established ad hoc

or permanently through ministerial decision; bi- or multilateral contacts can be established between government members and once per year, governmental meetings (Regierungsklausuren) are organised. In case of persistent conflictual opinions between coalition partners, the Prime Minister and the Deputy Prime Minister can meet in a coordination committee.

#### *6.1.1.2 The parliament: National Council and Federal Council*

The Austrian Parliament is bicameral and composed of the National Council (Nationalrat) as the lower chamber and the Federal Council (Bundesrat) as the upper chamber. Although separate legislative bodies, both chambers form on the federal level the Federal Assembly, which is among others in charge of inaugurating or prosecuting the Federal President or declaring war<sup>217</sup>. While each Land has its own regional parliament (Landtag), representatives from regional executives are represented in the Federal Council on the Federal level. The Federal Council is composed of 61 members delegated by their Provincial Diets to represent the latter's interests. Contrary to the National Council's members, representatives of the Federal Council are not directly elected on the Federal level, but in their Provincial Diets<sup>218</sup>. The number of members sent to the Federal Council depends on the size of the Land population. The number of seats can change if the population size evolves. Reallocation of seats happens every ten years. The Federal Council shares the legislative power with the National Council according to Article 24 of the Federal Constitution. It has a "suspensive" veto power with regard to bills adopted by the National Council. However, most authors agree that the Federal Council's veto function is weak, as the National Council can overrule it (Helms/Wineroither, In: Helms/Wineroither, 2017; Miklin, 2012). Through its veto power, the Federal Council is reduced to a passive actor giving its opinion on National Council enactments. The Federal Council was even labelled as an "impotent institution" by Pollak (2003). The Austrian two-chamber system is thus asymmetrical due to the unbalanced competences between the chambers (Müller, In: Strøm/Müller/Bergman, 2006). The Federal Council has no competences in fields such as federal finances or the federal budget (Article 42 § 5 B-VG). The upper chamber can submit legislative initiatives to the National Council, which pass if accepted through the regular steps of the legislative process. Federal Council members elect their president and vice-presidents, which are among others responsible to represent the institution and to convene its sittings<sup>219</sup>. The president, vice-presidents and chairs of each parliamentary group form the President's Conference, which coordinates work within the upper chamber and supports the president's office.

The National Council as the lower chamber is composed of 183 members elected for five years. Alongside the Government and the Federal Council, the lower chamber can initiate legislation either through individual MPs or through parliamentary committees. The National

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<sup>217</sup> See <https://www.parlament.gv.at/ENGL/PERK/NRBRBV/BV/> (last accessed 04.07.2018).

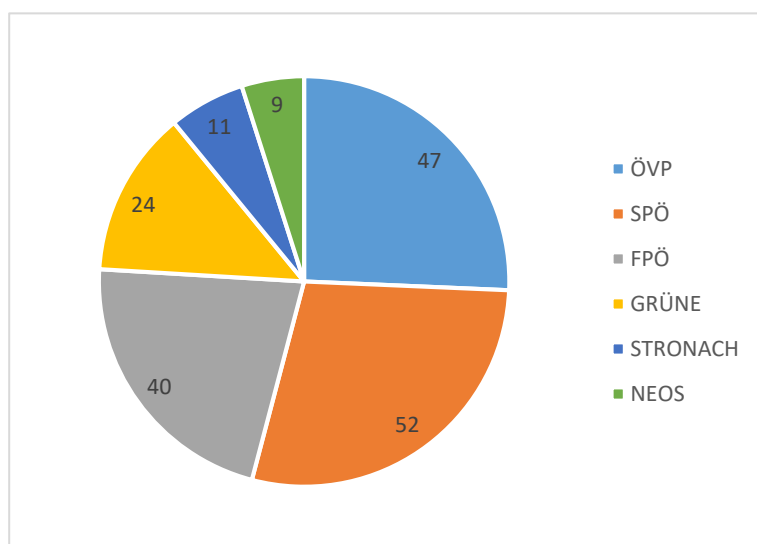
<sup>218</sup> See <https://www.parlament.gv.at/ENGL/PERK/NRBRBV/BR/> (last accessed 04.07.2018).

<sup>219</sup> See <https://www.parlament.gv.at/ENGL/PERK/NRBRBV/BR/PRAESBR/index.shtml> (last accessed 04.07.2018).

Council controls the Government through multiple parliamentary instruments and the vote of no confidence, proposes, discusses and enacts laws and approves the federal budget. Members of the National Council elect their President and vice-presidents at the beginning of each legislative period. Just as in the Federal Council, the presidents and chairpersons of parliamentary groups form the President's Conference of the National Council responsible for the good functioning of parliamentary everyday work. The National Council can be situated at the intersection between a “talking” and a “working” parliament, with a predominance of the latter category's features (Helms/Wineroither, In: Helms/Wineroither, 2017). Parliamentary committees follow usually ministries' jurisdictions, but their number surpasses the resorts due to the existence of additional specialised committees. Indeed, apart from the permanent sectoral committees, the lower chamber can establish sub-committees or ad hoc enquiry committees. During the last legislative period, the National Council had 41 committees. While the number of members of the Main Committee are decided by the National Council (§30 RoP), parliamentary groups decide on the memberships of the other committees in proportion to their seats in Parliament (§32 RoP). MPs are usually member of multiple committees and can keep their mandate in Parliament whenever they switch to a government position. Minister and MP functions are thus compatible in Austria.

Parties within Parliament are organised in parliamentary groups called “Klubs” composed of minimum five MPs. During the last legislative period of 2013-2017, the SPÖ had 52 seats, the ÖVP 47 seats, the FPÖ 40 seats, the Greens 24 seats, STRONACH 11 seats and NEOS 9 seats<sup>220</sup>.

**Figure 26: Composition of the National Council (in total), 2013-2017**



Source: Own calculations.

The particular feature of parliamentary groups in the Austrian parliament is that they are common to both chambers. Most of the time, majorities in both chambers are identical, which facilitates the coordination of political positions and the enactment of laws (Müller, In: Strøm/Müller/Bergman, 2006). Party discipline in Parliament, Government and even among

<sup>220</sup> See <http://orf.at/wahlergebnisse/nr13/ergebnisse/#ergebnis> (last accessed 04.07.2018).

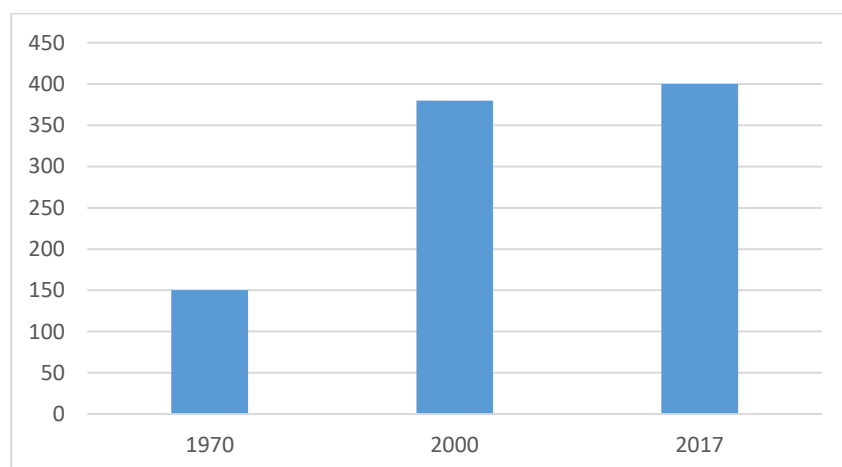


social partners with political representatives is very strong and affects the overall cooperation mechanisms between the institutions. Whenever a political group wishes to put a controversial matter on the agenda or to evaluate the consequences of the use of certain parliamentary instruments, they use the Federal Council as a “political experimental arena” (Interview 7a, 2017). Consensus is generally reached more easily in the Federal Council, especially in EU affairs, due to a different political culture encouraging compromises. While the low media attention on the Federal Council’s activities might be seen as detrimental, it plays a more significant role as a strategic arena for parties that want to discuss matters without mediatisation. According to an interviewee, monitoring over the upper chamber’s activities is less strict, which allows parliamentary groups to pass an issue more easily (Interview 3a, 2017). For instance, no rules exist within the Federal Council that regulate the presence of ministers or civil servants in the EAC (Interview 3a, 2017). Groups bypass political conflicts and the opposition within the National Council. Once the matter reaches the lower chamber, rejection is more difficult because of the need to preserve credibility and coherence in the decision-making process. Thus, the Federal Council permits to bring issues from the regional to the federal level.

While the National Council is particularly active in domestic issues, the Federal Council regained popularity and legitimacy through its active involvement in the subsidiarity monitoring (Interview 17a, 2017). The latter is less conflictual than domestic issues and commonly accepted by the Länder, hence the higher proportion of reasoned opinions submitted by the Federal Council compared to the National Council (Interview 5a, 6a, 2017). Reasoned opinions are sent directly to the European Commission without being filtered by the lower chamber. In addition, whenever an EU matter cannot be discussed in the National Council’s EAC, it can be examined instead in the Federal Council.

Just as parliamentary groups, both chambers also share a common parliamentary administration (Article 30 B-VG). Parliament drastically increased the number of its civil servants over the past decades, passing from 150 staff in 1970 to nearly 400 in 2017.

**Figure 27: Evolution of parliamentary staff (in total), National Council**



Source: Own calculations, based on statistics from the parliament’s website.

The head of the joint parliamentary administration is the Secretary General, which supervises two Deputy Secretary Generals, one responsible for the Legislative Branch (L) and

the other for the Administrative Branch (A). The first branch comprises the National Council services, the Federal Council services, the Research services and Public Relations, The second branch is composed of the Central Administrative Services, the Infrastructural and Security Services and the EU and International Services<sup>221</sup>. Parliamentary committees within the National Council do not have their own committee secretariats, but are rather supported by a central unit called “Committee affairs and parliamentary sub-committees” part of the Legislative branch of the administration.

#### *6.1.1.3 The Federal Constitutional Court*

The Austrian Federal Constitutional Court (Verfassungsgerichtshof) was established in 1920. It is composed of a president, a vice-president, 12 members and 6 substitute members exerting a part-time mandate. The Federal President nominates members and substitute members, while the Government nominates the president, vice-president, six constitutional judges and three substitute members. The National Council and the Federal Council can alternatively nominate the six other members and the three additional substitute members (Article 147 B-VG). With regard to the significant place of the Constitution in the Austrian legal system, the Court is the “guardian of the Constitution and of fundamental rights”. According to a civil servant from the parliamentary administration, the regulation level in Austria is very high and detailed (Interview 7a, 2017). Due to the multiplicity of laws that have obtained constitutional rank, the Constitution became complex, fragmented and unclear (Pürgy, 2011). Therefore, the Court’s opinions are particularly important for parliamentary work. The Court controls the constitutionality of the federal and regional laws (Article 140 B-VG) and regulations (Article 139 B-VG). The Constitutional Court can revoke laws ex-post, pronounce itself on conflicts of competences or even initiate the legislative process (Talos et al., 2001). The control of the compliance of laws with the Constitution can only be conducted after the Court received an application, either from the Federal Government, a regional government, one-third of the members of the National Council, the supreme Court, the Austrian Administrative High Court or individual citizens. Thus, the Court cannot seize itself on a case.

The Austrian Constitutional Court maintains contacts to constitutional courts from other EU Member States, as well as to the European Court of Human Rights<sup>222</sup>. The Court cooperates regularly with German-speaking courts and representatives from the European Court of Justice. The growing constitutionalisation of EU law obliges the Constitutional Court to stay updated on the latest evolutions, particularly with regard to its functions as controller of the constitutional compliance of state and EU treaties (Article 140a B-VG). The Court has no specific department dedicated to EU affairs, but an International Affairs department under the supervision of the presidential directorate<sup>223</sup>.

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<sup>221</sup> See [https://www.parlament.gv.at/POOL/SWBRETT/90000/0005/1-2017\\_A\\_Organigramm\\_Englisch.pdf](https://www.parlament.gv.at/POOL/SWBRETT/90000/0005/1-2017_A_Organigramm_Englisch.pdf) (last accessed 04.07.2018).

<sup>222</sup> See [https://www.vfgh.gv.at/downloads/VfGH\\_Broschuere\\_E.pdf](https://www.vfgh.gv.at/downloads/VfGH_Broschuere_E.pdf) (last accessed 04.07.2018).

<sup>223</sup> See <https://www.vfgh.gv.at/verfassungsgerichtshof/organisation/Management.en.html> (last accessed 04.07.2018).

#### *6.1.1.4 Social partnership and Austro-corporatism*

The legislative process in Austria founds on a strong involvement of social partners, referred to as the “Austro-corporatist” model (Talos et al., 2001). Features of the latter are “stable and predictable relations through historically developed inter-organisational networks, coordination and control of collective relations through umbrella organisations, concentration of the system of associations to few organisations with representation monopoly, registration of all socio-economic groups in chambers with compulsory membership” (Sack, 2017, p.240). As Pelinka (2013) underlines it, “[t]he interconnection between political parties and socioeconomic interest groups is the precondition for Austria’s neocorporatist Social Partnership” (Pelinka, In: De Waele/Escalona/Vieira, 2013, p. 41). Interest groups in Austria are divided into associations and professional chambers. As of 2016, there are 16 professional chambers in Austria, but five main umbrella organisations are involved throughout the legislative process: associations such as the Austrian Trade Union Federation ÖGB and the Federation of Austrian Industries IV; professional chambers such as the Federal Chamber of Labour BAK, the Austrian Federal Chamber of Business WKÖ, the Austrian Chamber of Agriculture LKÖ (Armingeon, In: Helms/Wineroither, 2017; Falkner, 2001; Luther/Müller, In: Luther/Müller, 1992). The ÖGB and the BAK represent employees, while employers are represented in the WKÖ, LKÖ and IV. The organisational and decisional structure of interest groups is highly centralised on the federal level. For instance, the ÖGB is composed of single unions on the regional level without legal personality and financially dependent on the ÖGB federation. The WKÖ represents regional chambers, but the latter have each their own legal personality.

Federal unions and professional chambers participate in political negotiations on the pre-parliamentary level through lobbying activities and exchanges with the Government. During the parliamentary process, civil society can participate in committee hearings as experts or indirectly in plenary sessions if they have overlapping functions as MP and member of an interest group. Finally, social partners are also involved in the implementation of the laws. During the legislative process, participation of civil society happens both horizontally (between federations and government) and vertically (between federations and parties), formally and informally. Social partnership in Austria was established at the beginning of the 1960s and follows three principles: concertation (Konzertierung), active participation (Mitgestaltung) and agreement (Akkordierung) (Stromberger/Talos, In: Talos/Karlhofer, 2005). These three features can be found either in bi-partite negotiations between umbrella organisations, or in tri-partite negotiations between umbrella organisations and the Government.

The specificity of the Austro-corporatist system is also the fact that the ties between political parties and civil society organisations are extremely strong. Political parties form groups within professional chambers, apply to chambers’ elections, and decide about their organisation. Members of these organisations are part of a political group and can apply for National Council elections or regional elections. While the SPÖ is predominantly represented in the Chamber of Labour and the ÖGB, the ÖVP has the majority of seats in the WKÖ (Sack,

2017). Within the Chamber of Labour, the biggest political group is the Group of the Social-democratic Trade Unionists (FSG) with 57% of the votes during the elections in 2014, followed by the Christian Trade Unionists (ÖAAB), the Liberal Employees (FA) and the Alternative and Green Trade Unionists (AUGE)<sup>224</sup>. The Chamber of Labour is also a member of the ÖGB, which shows how deeply social partnership is interlinked and how deep the penetration of Austrian parties into the society is. Representatives from social partner organisations are invited regularly as experts in parliamentary committee hearings, or cooperate bilaterally with individual MPs. According to Armingeon (2017), the Austro-corporatist model lost some of its power since 1945, especially in the last decades after the establishment of the ÖVP-FPÖ coalition in 2002. Between 2002 and 2006, the Government became hostile towards social partners. The economic crisis revived Austrian corporatism, which shows that social partnership in Austria is largely dependent on the political context (Pernicka/Hefler, 2015).

Before Austria's accession to the EU, social partners were involved in negotiation rounds on the EFTA agreement and the European Economic Area. EU affairs were thus the object of a long-term discussion culture between political representatives and social partners. In the 1980s, social partners mainly backed EC membership, especially the Federation of Austrian Industries IV and the Chamber of Business WKÖ. The Chamber of Labour was less enthusiastic, but gave nonetheless its support to the accession (Schultz, 1992). Even though social partners were afraid of losing influence through the EU accession, they pushed political leaders to support accession prospects by organising mobilisation movements during the EU membership referendum campaign in 1994. The referendum's positive outcome was the result of a cartel of elites from the two biggest parties SPÖ and ÖVP combined with the social partners' action. EU accession meant a limitation of informal and formal sovereignty power, especially in economic affairs and social policies, where social partners were particularly active. It also meant modifications in the participation of social partners in the decision-making process. Therefore, before Austria's accession to the EU, coalition parties established agreements to reassure social partners and secure their participation in EU affairs (Pollak/Puntscher Riekmann, In: Helms/Wineroither, 2017). On the Austrian level, a coordination body was created in 1989, the "Rat für Fragen der österreichischen Integrations- und Außenpolitik"<sup>225</sup> (Council for questions linked to Austrian integration and foreign affairs policy) presided by the Chancellor. Nowadays, the Council is part of the Foreign Affairs Ministry. The Council is composed of the responsible ministry resorts, political parties represented in the Main Committee of the National Council, two representatives of the provincial governors' conference and regional parliaments, social partner organisations<sup>226</sup> and one representative from the Austrian Association of cities and Austrian Association of

<sup>224</sup> See [https://www.arbeiterkammer.at/ueberuns/akwahl/AK\\_Wahl\\_2014.html](https://www.arbeiterkammer.at/ueberuns/akwahl/AK_Wahl_2014.html) (last accessed 30.05.2018).

<sup>225</sup> Bundesgesetz über die Errichtung eines Rates für Fragen der österreichischen Integrations- und Außenpolitik, StF: BGBl. Nr. 368/1989 (NR: GP XVII AB 1026 S. 110. BR: AB 3703 S. 518.) + Errichtung eines Rates für Fragen der österreichischen Integrations- und Außenpolitik, 11.01.2008, <https://www.ris.bka.gv.at/NormDokument.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10001007&FassungVom=2016-09-02&Artikel=1&Paragraf=1&Anlage=&Uebergangsrecht=> (last accessed 04.07.2018).

<sup>226</sup> WKÖ, Chamber of Labour, Speakers' Conference of Chambers of Agriculture, Austrian Trade Union Federation

Municipalities. The Council still serves as a coordination body and information exchange on EU matters.

A circular letter on “the legal and organisational questions linked to EU membership” written by the Chancellery and the Foreign Affairs Ministry created the legal basis of social partners’ involvement in EU affairs. The new rules obliged ministries to transfer comprehensive and early information to social partners. The latter had also access to Council documents. Social partners secured their participation additionally through their motion “Austria and the European integration” on 1<sup>st</sup> March 1989. On 22<sup>nd</sup> April 1994, SPÖ and ÖVP signed a Europe agreement (“Europa-Abkommen”) in which they anchored social partners’ participation rights in EU affairs. The agreement stipulated that all organisations that participated in the EEA committees would have the same rights in EU affairs and the possibility to be represented in EU institutions and foundations. Indeed, Austria’s Permanent Representation to the EU is the only representative body composed of government civil servants and representatives of civil society organisations. The closeness of civil society and politicians secures a constant coordination. All representatives on the EU level from Austrian institutions meet weekly during a “jour fixe”. The origin of such composition dates back to the accession negotiations and the significant role played by social partners during accession preparations (Sack, 2017).

On the national level, several laws anchored professional chambers’ participation rights in EU affairs<sup>227</sup>. Some professional chambers established specialised structures to handle EU affairs. Within the WKÖ, EU matters were handled first in the department for integration and commerce policies (“Integrations- und Handelspolitische Abteilung”). Reforms in the chamber in 2001 redistributed competences. Trade matters were relocated in the financial policy department and the integration policy became the EU coordination department (“Stabsabteilung EU-Koordination”), which is responsible for the WKÖ’s EU office in Brussels. The WKÖ was one of the first Austrian social partners to establish such an office. The LKÖ has also an EU office in Brussels and focuses mainly on the European Agriculture Policy. The WKÖ EU office belongs to the “EU coordination” department within the WKÖ in Vienna. The EU office is also part of the Permanent Representation of Austria to the EU. Regular contacts are maintained between the WKÖ EU office and ministries represented in the permanent representation, other social partners, Länder EU offices, the Austrian Federation of Cities and Municipalities and the Austrian National bank. However, no exchanges take place between the WKÖ EU office and the National Council, as cooperation is only national-based.

On the EU level, the WKÖ is also member of the “Eurochambres” federation. Since 1989, the WKÖ started an EU-trainees programme aiming at training young professionals in EU matters. The WKÖ also established an information system between the European and

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<sup>227</sup> Bundesgesetz über die Kammern der gewerblichen Wirtschaft (Wirtschaftskammergesetz 1998 - WKÖ), „*Begutachtungsrecht §10 (2) Die Bundeskammer ist unverzüglich über alle Vorhaben betreffend die Rechtssetzung im Rahmen der Europäischen Union zu unterrichten und ihr insbesondere Gelegenheit zur Stellungnahme zu Entwürfen von Richtlinien, Verordnungen oder Empfehlungen der Europäischen Union binnen angemessener Frist zu geben.*“; Bundesgesetz über die Kammern für Arbeiter und Angestellte und die Bundeskammer für Arbeiter und Angestellte (Arbeiterkammergesetz 1992 – AKG), „*Verhältnis zu Behörden und Körperschaften, §93 (3) Die Bundesarbeitskammer ist unverzüglich über alle Vorhaben betreffend die Rechtssetzung im Rahmen der Europäischen Union zu unterrichten und ihr insbesondere Gelegenheit zur Stellungnahme zu Entwürfen von Richtlinien, Verordnungen oder Empfehlungen der Europäischen Union binnen angemessener Frist zu geben.*“

national level. The “EU Today” newsletter transfers EU news from Monday to Thursday to the WKÖ. The weekly “EU panorama” comments information and informs about future events organized by EU institutions and associations. In Vienna, the WKÖ writes from time to time dossiers on top EU issues (“EU top-Themen”), grouping detailed information on a specific topic. Over the past years, the WKÖ developed an extensive and regular information policy in order to stay informed as early and best as possible and to make the link between the European and national levels. Since 1994, the participation of the WKÖ in the European decision making process was legally secured. The Chamber of Commerce Act gives the WKÖ a legal right to issue assessments on EU proposals. Legal rules on the information policy and assessment right of the WKÖ are identical to those applying to the Parliament’s information policy. The National Council has to inform the WKÖ ex-ante on the agendas of the EU Main Committee and EU sub-committee, giving it the opportunity to issue its opinion on the agenda topics before the meetings.

Social partners managed to secure their rights in EU affairs. Their influence on the national decision-making process with regard to EU affairs might thus be significant.

#### *6.1.1.5 Political Parties*

The number of political parties in Austria tends to be low compared to countries with consociational democracies such as the Netherlands or Belgium (Wineroither/Kitschelt, In: Helms/Wineroither, 2017). The current party system dates back to the Austro-Hungarian Monarchy. The two biggest parties ÖVP and SPÖ tend to dominate the political landscape and their influence reach deep into society. As Stelzer puts it, “[t]ogether with their affiliated associations, they did not only dominate the political sphere, but almost all parts of socialisation such as sports clubs, hiking associations and car driver clubs” (Stelzer, 2011). The social democratic movement was created in 1888 and reorganised in 1892. After being persecuted during the monarchy at the beginning of the 20<sup>th</sup> century and dissolved in 1933, partisans of the movement distanced themselves from the State (Stelzer, 2011). After the Second World War, the SPÖ re-emerged under its current name. The Christian Social Party was established in 1890 as a result of the merge of several political organisations associated with Catholicism (Stelzer, 2011). After the Second World War, the party changed its name into the Christian People’s Party. Until the 1960s, the ÖVP was the main partner in the coalition governments formed with the SPÖ. The situation reversed after the 1970s, with the exception of the 2002 elections. The Austrian party system was stable until the 1980s and dominated solely by the two big parties SPÖ and ÖVP. Political dynamics changed in 1986 with the creation of the Green party and the rise of the populist Freedom Party FPÖ. The latter gained considerable influence over the following years thanks to the electoral system based on proportional representation (Stelzer, 2011). In 2005, some FPÖ members decided to leave the party due to internal dissensions and found the right-wing liberal BZÖ (Bündnis Zukunft Österreich).

Austria can be classified as a “segmented pluralist” system characterised by “the organisation of social movements, educational and communication systems, voluntary

associations and political parties along the lines of religious and ideological cleavages” (Sartori, 2005, p.160). In the 1980s, the nature of the political system changed. Austria transformed into a “post-consociational democracy” with increased competition within the parliamentary arena and a modification of opposition patterns (Andeweg/ De Winter and Müller, 2008). Until the 2000s, the two-party format and moderate pluralism were predominant. Most coalition governments in Austria were surplus majority governments, with the exception of the SPÖ-FPÖ coalition between 1983 and 1986, and the ÖVP-FPÖ coalition between 1999 and 2006, which were minimal-winning coalitions. Even though an exception in the SPÖ-ÖVP dominated political landscape, the formation of the ÖVP-FPÖ coalition government between 1999 and 2006 did not bring significant changes to the party system in the following years. Majorities in the National Council were mostly stable and always backed the Government. Opposition parties never had a significant negotiation power on ordinary laws. However, constitutional laws require two-thirds majorities to be passed and government parties had to increasingly count on the support of opposition parties since the 1990s (Interview 16a, 2017). According to Sartori, Austria tends to move towards a bipolar political system, where two blocs of parties (left vs right), rather than two individual parties, oppose each other (Sartori, 2005). The distinction between government parties and opposition parties became more and more blurred, especially when coalition partners started to oppose each other’s initiatives. The SPÖ started to become more critical towards the ÖVP’s policies. This behaviour, qualified as “Bereichsopposition”, serves to show own positions for electoral goals through a critical assessment of the coalition partner’s initiatives (Andeweg/ De Winter and Müller, 2008). During minimal-winning coalitions, the “Bereichsopposition” was less pronounced, because the coalition partners had to face a strong opposition. Consensus was thus crucial to pass legislation (Andeweg / De Winter and Müller, 2008).

While consociational practices can be found in negotiations with social partners, Austrian political parties’ positions on EU affairs tend to be polarised. Until the 1970s, the SPÖ embraced a Eurosceptic stance and defended the neutrality principle and protectionism. The party adopted a more moderate position in the 1980s by supporting membership to the EU (Fallend, In: Szczerbiak/Taggart, 2010). The ideological shift happened when the new Federal Chancellor Franz Vranitzky came to power and supported overtly international competitiveness by praising the advantages of EC membership for the Austrian industry (Schultz, 1992). While the SPÖ slowly opened up to the idea of joining the EU, its coalition partner struggled to defend a coherent position. Indeed, even though the ÖVP supported EC membership, its voters in the industry and agriculture sectors favoured protectionism. The Greens changed their position towards the European integration in the 2000s, militating against liberalism, the economic union and EU membership in the 1980s-1990s. Paradoxically, the only party that supported EC membership from the beginning until the 1990s was the FPÖ. The party changed its position before the accession, mainly to differentiate itself from the mainstream parties and to catch the vote of a growing proportion of the Eurosceptic electorate (Fallend, In: Szczerbiak/Taggart, 2010).

Until the recent economic and financial crisis, the SPÖ, ÖVP and the Greens were considered as pro-European parties, while the FPÖ was described as a Eurosceptic party that



sees nevertheless EU affairs as part of its political strategy (Pelinka, In: De Waele/Escalona/Vieira, 2013). The ÖVP even described itself as the “European party” by essence, supporting an efficient European foreign policy and federalist projects (Interview 2a, 18a, 19a, 2017). However, positions on European integration tend to waver even within pro-European parties. The economic crisis might be one of the potential explanations. For instance, within the SPÖ, contradictory positions can be found ranging from populist Eurosceptic stances to euro-optimism (Pelinka, In: De Waele/Escalona/Vieira, 2013). While the ÖVP and the Greens were in favour of a federal and centralised EU before the economic crisis, their positions tended to change afterwards. Currently, the SPÖ and ÖVP support the idea of a competence transfer back to national levels. Contrary to the SPÖ’s claim for more solidarity in Europe, both in its last electoral programmes and in its 2017 party programme<sup>228</sup>, some SPÖ members publicly diverge from their party’s official EU stance. For instance, SPÖ-President Christian Kern requested higher EU financial means for border protection in May 2018, going against the solidarity principle that the party is advertising<sup>229</sup>. Since the 2017 legislative elections and the coalition building between the ÖVP and the FPÖ, the former tends to adopt more EU-critical positions, among others on migration issues<sup>230</sup>. In its 2017 election programme, the ÖVP pleaded for the reinforcement of national sovereignty through the transfer of competences back from the EU to the Member States<sup>231</sup>. The party also rejected any solidarity with indebted Eurozone countries. This stance went clearly against the party’s line during the last election periods. The self-proclaimed “European party” gave up its strictly pro-European position for a more nuanced and critical stance on specific aspects of European integration.

The Greens position themselves in the middle, supporting either competence redistribution or centralisation of competences (Interview 11a and 18a, 2017). They became more critical towards the European integration, addressing general critics to the EU’s institutional system and insisting on the need to push structural reforms. However, unlike the ÖVP, they support the creation of a European social union, a sustainable EU migration policy and the reinforcement of the European Parliament’s budgetary competences<sup>232</sup>. According to some interviewees, political stances on European integration depend highly on the “performances” of the EU (Interview 4a and 16a, 2017). Parties tend to switch from one position to the other depending on their level of satisfaction with the European integration process. Therefore, the increased Euroscepticism of all Austrian parties since the economic crisis makes a clear differentiation between pro-Europeans and Eurosceptics more difficult.

The FPÖ rejects the “ideological centralisation euphoria” carried out by European elites (Interview 11a, 2017). The party criticises the absence of legitimacy and accountability of the EU decision-making process. It defends an intergovernmentalist stance, where national governments lead the legislative process. Re-nationalisation of policy fields, neutrality, sovereignty and protectionism are at the heart of FPÖ’s political arguments. The BZÖ was a

<sup>228</sup> [https://spoe.at/sites/default/files/das\\_spoe\\_parteiprogramm.pdf](https://spoe.at/sites/default/files/das_spoe_parteiprogramm.pdf) (last accessed 09.07.2019)

<sup>229</sup> [https://diepresse.com/home/ausland/eu/5434437/EUBudget\\_SPOeChef-Kern-will-bei-Landwirtschaft-sparen](https://diepresse.com/home/ausland/eu/5434437/EUBudget_SPOeChef-Kern-will-bei-Landwirtschaft-sparen)

<sup>230</sup> <https://kontrast.at/kurz-vertuscht-sinkenden-fluechtlings-zahlen-und-schuert-angst/> ; <http://www.salzburg24.at/salzburg-oevp-eu-abgeordnete-claudia-schmidt-sorgt-fuer-rassismus-eklat-auf-facebook/5328444> (last accessed 17.01.2019)

<sup>231</sup> [https://res.oevp.at/Files/SK\\_Wahlprogramm\\_Teil3.pdf-gOMfoI.pdf](https://res.oevp.at/Files/SK_Wahlprogramm_Teil3.pdf-gOMfoI.pdf) (last accessed 17.01.2019)

<sup>232</sup> <https://www.gruene.at/partei/programm/wahlprogramme> (last accessed 06.06.2019)



pro-European party favouring a multi-speed Europe outside of a purely federal structure, but rejecting the “regulatory craze” of the EU (Interview 16a, 2017). In this framework, the idea would be to establish a core EU constituted of members with the highest levels of integration and additional partial members participating only in specific policy fields (Interview 16a, 2017).

The table hereunder illustrates the evolution of political positions in parties’ electoral programmes since 2002.

**Table 13: Parties’ position on European integration, Austria**

	2002	2006	2008	2013
<b>ÖVP</b>	<ul style="list-style-type: none"> <li>- “European party”</li> <li>- favours EU enlargement</li> <li>- closeness to citizens</li> <li>- favours investments and protect labour market</li> <li>- transit issue</li> <li>- reform of CAP</li> <li>- nuclear safety, reform of EURATOM treaty</li> <li>- guarantee equal representation of states in EU institutions</li> <li>- clarity about EU/MS competence distribution</li> <li>- against centralised EU state</li> <li>- favours CSDP</li> <li>- subsidiarity principle</li> <li>- solidarity in EU</li> </ul>	<ul style="list-style-type: none"> <li>- “European party”</li> <li>- referendum on Turkey’s accession to EU</li> <li>- Neutrality principle</li> <li>- favours CSDP and Europeanisation of national army</li> <li>- favours new EU treaty to increase efficiency of EU decision making</li> <li>- development of social friendly economy in EU</li> <li>- clarity about EU/MS competence distribution</li> <li>- subsidiarity principle</li> <li>- solidarity in EU</li> </ul>	<ul style="list-style-type: none"> <li>- favours EU wide referenda</li> <li>- enlargement only if EU can handle it</li> <li>- referendum on Turkey’s accession to EU</li> <li>- improve link EU/citizens</li> </ul>	<ul style="list-style-type: none"> <li>- EU enlargement to Balkan area</li> <li>- special partnership with Turkey</li> <li>- neutrality principle</li> <li>- development of CSDP</li> <li>- democratisation of EU</li> <li>- favours EU Convention in case of new EU treaty reforms</li> <li>- promotes active role of NPs</li> <li>- subsidiarity principle</li> <li>- tax on financial transactions</li> </ul>
<b>SPÖ</b>	<ul style="list-style-type: none"> <li>- European social model</li> <li>- EU enlargement needs good preparation</li> <li>- sustainable CAP</li> <li>- withdrawal from nuclear energy</li> <li>- neutrality principle</li> <li>- promotion peace and democracy</li> <li>- develop CSDP and peace keeping missions</li> </ul>	<ul style="list-style-type: none"> <li>- European social model</li> <li>- active neutrality policy</li> <li>- deepening of political union before any further enlargement</li> <li>- withdrawal from nuclear energy</li> <li>- development of CSDP, civilian crisis management and peace keeping operations</li> <li>- strengthen EP within CSDP</li> <li>- strengthening of EU budget</li> </ul>	<ul style="list-style-type: none"> <li>- European social model</li> <li>- neutrality principle</li> <li>- referendum on Turkey’s accession to EU</li> <li>- political union</li> <li>- bring EU closer to citizens</li> <li>- referendum on future EU treaty reforms</li> <li>- democratisation of EU</li> <li>- peace keeping policy</li> <li>- solidarity principle in foreign affairs</li> </ul>	<ul style="list-style-type: none"> <li>- neutrality principle</li> <li>- EU economic policy needs socially acceptable budget policy and EU wide social standards</li> <li>- reform of stability and growth pact</li> <li>- solidarity in EU</li> <li>- development of CSDP but in conflict prevention and peace keeping operations</li> </ul>
<b>FPÖ</b>	<ul style="list-style-type: none"> <li>- EU enlargement only if all criteria respected develop</li> <li>- border controls, European border police</li> <li>- CSDP towards a defence Union</li> </ul>	<ul style="list-style-type: none"> <li>- against Turkey’s EU accession</li> <li>- against migration flows</li> <li>- Neutrality principle</li> <li>- State sovereignty</li> <li>- EU of nations</li> </ul>	<ul style="list-style-type: none"> <li>- against further enlargement</li> <li>- neutrality principle</li> <li>- EU of free and independent nations: "Europa der Vaterländer"</li> </ul>	<ul style="list-style-type: none"> <li>- neutrality principle</li> <li>- binding referendum on new EU treaty</li> <li>- subsidiarity principle</li> <li>- favours withdrawal of MS</li> </ul>

	<ul style="list-style-type: none"> <li>- European Social model</li> <li>- reform of CAP</li> <li>- against nuclear energy, reform of EURATOM treaty</li> </ul>	<ul style="list-style-type: none"> <li>- against liberalisation of Austrian water resources</li> <li>- renationalisation of CAP</li> </ul>	<ul style="list-style-type: none"> <li>- in favour of EU treaty, but national constitutions should be predominant</li> <li>- against Lisbon treaty</li> <li>- referendum on new EU treaty</li> <li>- against European army</li> <li>- lower contribution to EU budget</li> </ul>	<ul style="list-style-type: none"> <li>- with budgetary problems from Eurozone</li> <li>- establishment of "Euro north"</li> <li>- European solidarity</li> </ul>
<b>GRÜNE</b>	<ul style="list-style-type: none"> <li>- European Social model</li> <li>- favours EU enlargement</li> <li>- withdrawal from nuclear energy and dissolution of EURATOM treaty</li> <li>- neutrality principle</li> <li>- supports new EU treaty, especially catalogue of fundamental rights</li> <li>- participation of citizens on EU level</li> <li>- promote ecologically friendly economy and investments</li> </ul>	<ul style="list-style-type: none"> <li>- European Social model</li> <li>- withdrawal from nuclear energy</li> <li>- neutrality principle</li> <li>- development of CSDP with peace keeping objectives</li> <li>- closer link EU/citizens</li> <li>- strengthen EU democracy</li> <li>- strengthen role of NPs</li> <li>- in favour of new EU constitutional treaty</li> <li>- environmental protection</li> </ul>	<ul style="list-style-type: none"> <li>- European Social model</li> <li>- withdrawal from EURATOM treaty</li> <li>- CSDP, peace keeping objectives</li> <li>- European wide referenda</li> <li>- strengthening of NPs' participation rights in EU affairs</li> <li>- transparency of council meetings</li> </ul>	<ul style="list-style-type: none"> <li>- European Social model</li> <li>- development of CSDP</li> <li>- solidarity in EU Green new deal: European investment program</li> <li>- better involvement and cooperation between Government and National Council on EU affairs</li> <li>- strengthen EP</li> <li>- European Convention on EU reforms</li> <li>- sustainable energy</li> <li>- increase EU budget</li> <li>- favours tax on financial transactions</li> <li>- implementation of banking union</li> <li>- solidarity in EU migration management</li> </ul>
<b>BZÖ</b>	/	<ul style="list-style-type: none"> <li>- against turkey's EU accession</li> <li>- preservation of Austria's sovereignty</li> <li>- EU as confederation</li> <li>- referendum on new constitutional treaty</li> <li>- establishment of exit clause in EU treaties</li> <li>- renationalisation of policy fields</li> <li>- direct democracy</li> <li>- subsidiarity principle</li> <li>- European solidarity</li> </ul>	<ul style="list-style-type: none"> <li>- Stronger border control</li> <li>- Systematic referenda on EU treaty reforms</li> <li>- Against European nuclear power and GMOs</li> </ul>	<ul style="list-style-type: none"> <li>- Preservation of State sovereignty</li> <li>- against centralisation in EU</li> </ul>
<b>NEOS</b>	/	/	/	<ul style="list-style-type: none"> <li>- increase transparency in EU institutions</li> <li>- development of CSDP</li> <li>- European Convention on EU treaty reforms</li> <li>- EU as Federation</li> </ul>

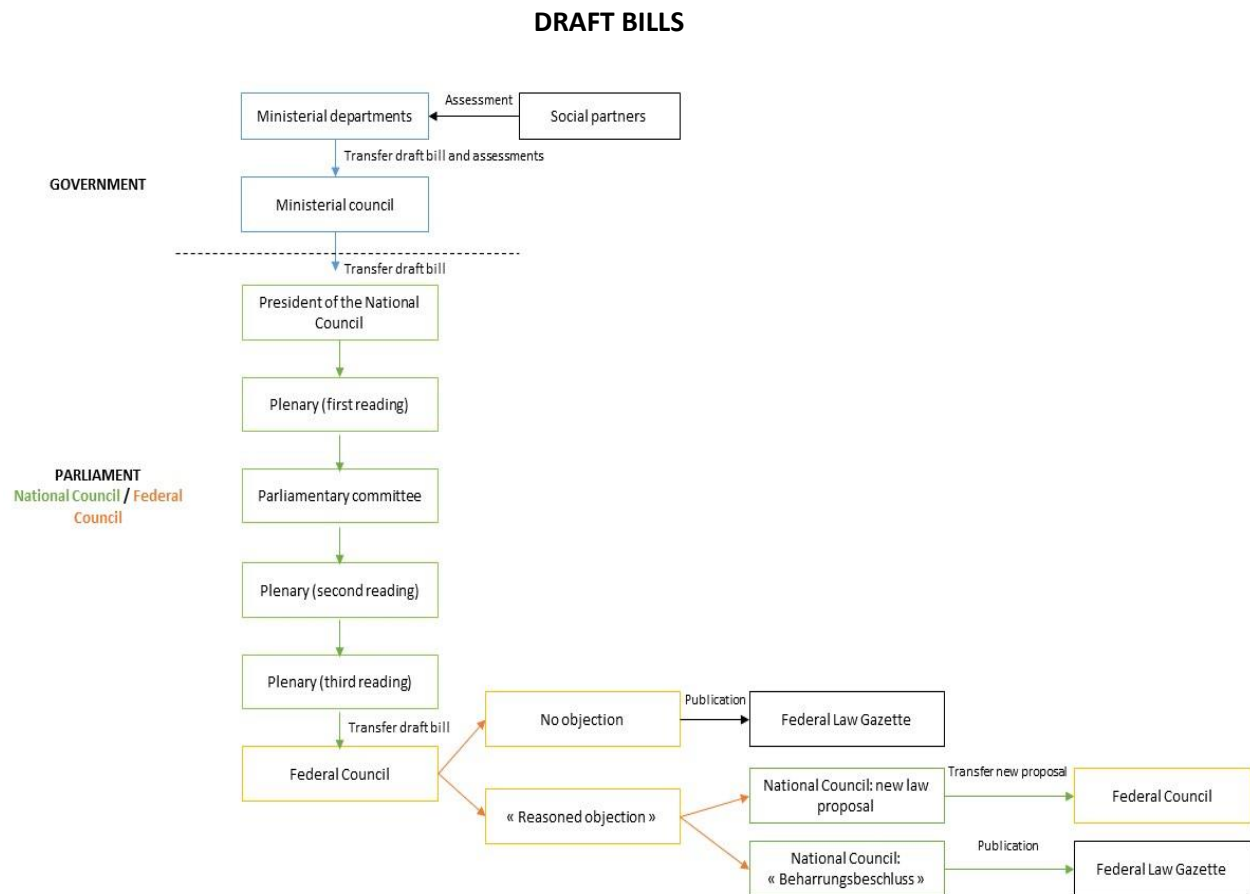


allocated either to the Federation or to the states. Four types of competences exist: the Federation has full legislative and executive competences (Article 10 B-VG); the Federation has only legislative competences (Article 11 B-VG); the Federation is only competent for legislative principles, which have to be implemented by the states (Article 12 B-VG). Competences that are not mentioned in the Constitution as belonging to the Federation remain part of the states' competences (Article 15 B-VG). The Federation obtained significantly more competences than the Länder.

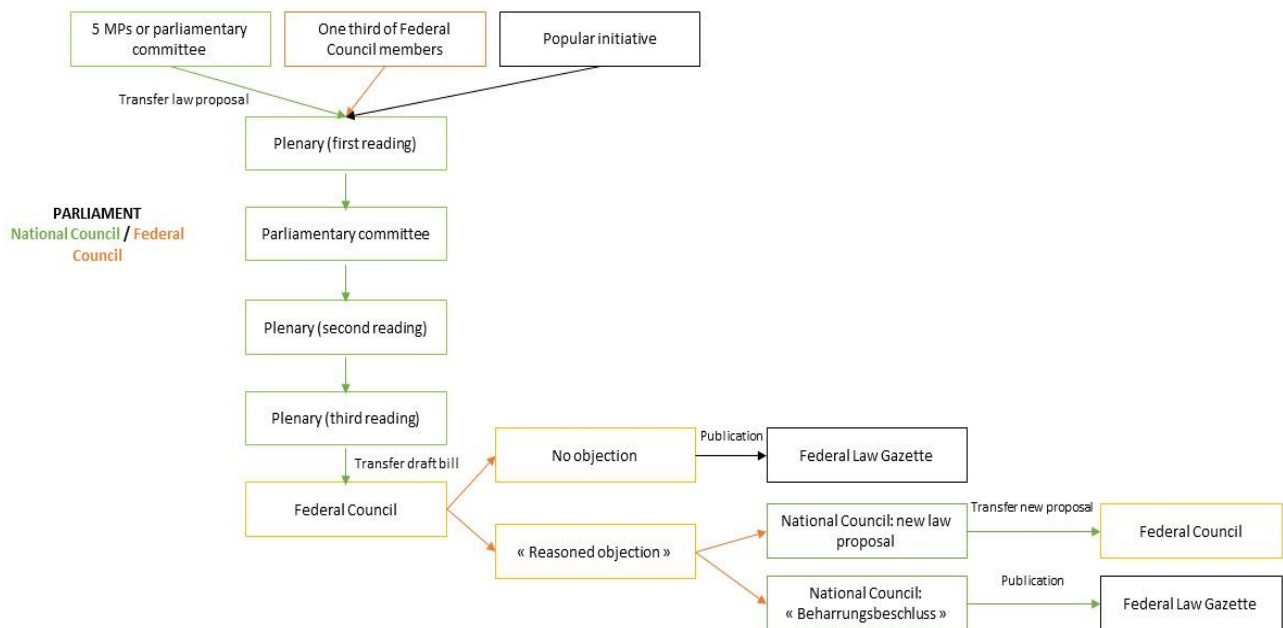
The focus in this section is on the legislative process on the federal level. The legislative initiative belongs to the National Council or at least five MPs, the Federal Council or one third of its members, the Federal Cabinet with the approval of the ministerial council or part of the electorate as a "popular initiative" (Article 41 B-VG). Once a law proposal has been drafted, it must be sent to the National Council. Most initiatives emanate from the government in form of draft bills. Ministries have an advantage in terms of legislative expertise, information and resources to draft law proposals (Stelzer, 2011). Once the competent ministry has drafted a bill, social partner organisations can submit their opinion to the Government. In case the legislative proposal emanates from MPs or a parliamentary committee, the initiator has to justify the proposal during a first reading in plenary. The plenary decides on the responsible committee that will examine the proposal. Government draft bills are sent to the Speaker's office of the National Council, which is responsible to redistribute it to the competent committee. A rapporteur is then nominated within the committee that will present a report in plenary during a second reading. Any opposition MP that does not agree with the rapporteur's or the majority's position on a law can submit a minority report ("Minderheitsbericht") supported by at least three committee members. MPs can submit additional amendments to the law proposal.

The third and last reading serves to vote on the law. While ordinary laws require a simple majority of the votes, constitutional laws require a two-thirds majority (Stelzer, 2011). After the vote in plenary, the law is transferred to the Federal Council. At this stage of the legislative process, the upper chamber can either approve or reject the proposal. The Federal Council's veto power manifests itself through its "reasoned objections" which have to be submitted within eight weeks. If the upper chamber opposes a law proposal, it is sent back to the National Council, which proceeds with a second vote. However, the lower chamber is not obliged to amend the proposal. MPs can decide with a simple majority to stick to the initial law through a resolution ("Beharrungsbeschluss", § 77 RoP). The latter is transferred to the Federal Chancellor, who informs the Federal Council about the decision taken in the National Council. Usually, the upper chamber rarely uses its veto powers, because political majorities in both chambers tend to be similar (Stelzer, 2011). The following graphs sum up the different procedures for draft bills and legislative proposals.

**Figure 28: Legislative process in Austria (draft bills and law proposals)**



## LAW PROPOSALS



Party dynamics play a significant role throughout the legislative process, which puts significant constraints on parliamentary power. Indeed, party logics prevail in the relations between social partners and the Government, but also between the Government and its majority in Parliament. Whenever the Government initiates a law, the majority in Parliament tends to back it. Parliamentary power might be even more reduced if majorities are similar in both chambers.

### 6.1.2.2 The handling of EU affairs on the national level

European integration tended to reinforce the Federal Cabinet's prerogatives in EU affairs at the expense of the Parliament (Stelzer, 2011). International Treaties, among others EU treaties, are signed by the Federal President, but have to be submitted to Parliament for ratification. The Länder are also included in the process. Whenever a treaty touches upon matters falling into the "autonomous sphere of the states" (Stelzer, 2011), the Federal Council also needs to approve it. Moreover, a state representative can be exceptionally nominated to participate in the Council's meetings if EU matters concern directly state legislation. Treaties that modify existing law or amend EU treaties can only be concluded with the Parliament's approval (Article 50 B-VG). Since 2008, EU treaties require a two-thirds majority within the National Council to be ratified.

The Ministry for Europe, Integration and Foreign Affairs (BMEIA) is the main body on the executive level coordinating Austria's EU policy. The Federal Chancellery is mainly responsible for matters related to the CSDP. Within the Chancellery, the department on security matters drafts Austrian positions on CSDP issues in coordination with the BMEIA and the

Ministry of Defence. From 2018 onwards, the Federal Chancellery plans to take over some prerogatives that belonged until now to the BMEIA<sup>233</sup>. Within the Ministry, EU affairs are distributed among several departments. For instance, EU law falls under the competence of a “European law” sub-department, which is part of the “Central Affairs” department (“Zentrale Angelegenheiten”). The “Bilateral affairs” department handles the CSDP and bilateral relations with individual Member States. The third department within the BMEIA deals specifically with EU and multilateral affairs. Every year, the BMEIA publishes a report on European and Foreign affairs policy. Apart from the BMEIA, technical ministries also handle specific aspects of EU policies. The Finance Ministry handles for instance all matters linked to the EU budget. Within the department “Economic Policy, Financial Markets and Customs”, an international and European affairs sub-department deals with the coordination of EU policy and the European Stability Mechanism<sup>234</sup>. Each ministry has an EU coordination department, which is responsible to prepare topical European ministerial meetings and to represent the ministries in EU institutions (Pollak/Puntscher Riekmann, In: Helms/Wineroither, 2017). Within a ministry, inter-ministerial agendas are decided between the EU coordination department and other departments. The first are also responsible to seek cooperation with departments from other ministries, Länder and the Permanent Representation of Austria to the EU. Every week before Council meetings on the EU level, so-called “inter-ministerial coordination meetings” are organised within the ministries, where representatives from social partner organisations and representatives from other ministries can participate. The Federal Chancellor and the BMEIA lead the overall inter-ministerial cooperation in EU affairs. The BMEIA is also heading the weekly meetings in the Permanent Representation in Brussels to prepare the COREPER. In these meetings, representatives from the technical ministries, social partners, the Austrian National Bank, the Association of Austrian Industries and representatives from the Länder and municipalities coordinate their positions. The Permanent Representation informs regularly the Federal Government through reports on current negotiation results on the EU level.

### 6.1.3 Conclusions

The present section outlined the main actors of the legislative process in Austria. We observed that social partners and political parties play a significant role in the decision-making process. Cooperation between Austrian actors is highly decentralised. Political parties have a deep anchorage into society and can resort to resources from civil society organisations to weigh on decisions. Party dynamics turn out to be predominant throughout the legislative process, determining the behaviour of actors within the Government and the Parliament. Formally, parliamentary groups are supposed to be able to influence the work of their government members. However, informally, government members exert a strong power within their respective parties and groups and limit dissident actions (Talos/Kittel, 2001).

<sup>233</sup> <https://www.bundeskanzleramt.gv.at/europapolitik> (last accessed 04.07.2018).

<sup>234</sup> [https://www.bmf.gv.at/ministerium/aufgaben-organisation/Gesamt\\_deutsch\\_01052018.pdf?6fljeh](https://www.bmf.gv.at/ministerium/aufgaben-organisation/Gesamt_deutsch_01052018.pdf?6fljeh) (last accessed 04.07.2018).

The Austrian political landscape transformed into a post-consociational system with increasing competition and polarisation between and within the parties. Consensus democracy eroded gradually, between both political actors and social partners, and evolved towards a majority and competition democracy (Stromberger/Talos, In: Talos/Karlhofer, 2005). One reason for the erosion of consensual strategies could be the establishment of majority votes within Parliament in the 1990s, which boosted political conflicts and party competition. This trend is also noticeable in EU affairs, where pro-European and Eurosceptic stances can be clearly identified, even though ideological positions tend to diverge increasingly within parties. Indeed, recent developments on the EU level, such as the economic crisis, revealed growing tensions and disapproval within pro-European parties. The strong influence of parties on state institutions might weaken the National Council's influence capacities. Indeed, majority MPs within the Parliament might tend to support passively their Government's policies due to strong party discipline. Overall, authors agree that the Austrian Parliament has a rather limited role in the legislative process compared to the Government (Stromberger/Talos, In: Talos/Karlhofer, 2005). Indeed, corporatism and consociationalist practices between social partners and political actors tend to shift decision-making to the pre-parliamentary arena (Pollak/Slominski, 2003).

## 6.2 Parliamentary participation rights in EU affairs: current status quo

In this section, we aim to outline the current participation rights of the National Council in EU affairs. In the Europeanisation research, the Austrian Parliament is described as a strong parliament with regard to its formal capacities (Kiiver, 2006). Indeed, since Austria's accession to the European Union in 1995, the National Council underwent a series of legal reforms to strengthen its scrutiny rights in EU affairs. Based on a powerful mandating system, the lower chamber could be considered as a serious counterweight to the Government. The EAC has particularly strong prerogatives. Information policy and cooperation with the Government have been improved substantially over the past decades. Parliamentary administrative resources and personnel support within parliamentary groups seem to be well developed. In light of these arguments, we seek to give first insights into hypothesis H2 by arguing that the National Council's strong formal capacities in EU affairs might have encouraged mainstreaming trends within Parliament, providing MPs with the necessary instruments to scrutinise EU affairs. Like the Luxembourg Chamber of Deputies, we used interviews with MPs, former MPs, civil servants from the parliamentary administration and group collaborators. Additionally, we analysed primary documents such as the Federal Constitution, the National Council's internal RoP and information laws to check for the different legal bases mentioning EU scrutiny rights. While the Federal Council has also established structures and procedures dedicated to EU affairs, the focus of this section will be solely on the lower chamber's participation rights.



### 6.2.1 *The legal basis of parliamentary participation in EU affairs*

Reflexions on the role of the National Council in EU affairs started already in 1994 before Austria's accession to the EU. The rights of the Parliament are mentioned broadly in the Federal Constitution, in both chambers' RoPs and in several information laws. Inspired by the Danish and German model, scrutiny rights of the National Council are anchored in the Federal Constitution. However, contrary to Austria, Germany anchored detailed participation rights in ordinary laws. The density of constitutional law in Austria gives significant rights to the minority through the two-thirds majority rule requirement for each constitutional amendment. Compromises are thus essential to conduct revisions. Indeed, opposition parties were particularly influential during negotiations on the EU treaties, when their support was needed to amend parliamentary scrutiny rights in the Constitution. The Green parliamentary group was the main supporter of the coalitions' amendment proposals throughout the years (Interview 6a, 2017). Moreover, the parliamentary administration can also push to internal reforms, notably with regard to structural changes and administrative competences, but the final decision belongs usually to political groups.

The Austrian Federal Constitution was amended in 1994 to incorporate the new participation rights in EU affairs of both chambers<sup>235</sup>. Several paragraphs were added to Article 23 B-VG. Amendments aimed at providing Parliament with immediate and extensive information rights. In 1995, the Parliament established an EU database, which was amended in 2012 through an EU-information law (EU-InfoG)<sup>236</sup>. Amendments to the RoP in 1996 anchored the competences in EU matters of the Main Committee and created the EU sub-committee. In the course of the last decades, both the Federal Constitution and the National Council's RoP were amended several times to adapt to the developments on the EU level.

The National Council developed numerous parliamentary instruments to scrutinise EU affairs, either directly through the control of the Government's EU policy, or indirectly through the political dialogue with the European Commission. In the wake of the Treaty of Lisbon, Article 23 B-VG and the National Council's RoP were amended in 2010 to incorporate the procedure on the Early Warning Mechanism<sup>237</sup>. Article 23 B-VG gives substantial

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<sup>235</sup> Bundesverfassungsgesetz, mit dem das Bundes-Verfassungsgesetz in der Fassung von 1929 geändert wird sowie das EWR-Bundesverfassungsgesetz und das EGKS-Abkommen-Durchführungsgesetz aufgehoben werden (Bundes-Verfassungsgesetz-Novelle 1994 - B-VGN 1994), BGBl. Nr. 1013/1994, 21.12.1994,

<sup>236</sup> Bundesgesetz über Information in EU-Angelegenheiten (EU-Informationsgesetz – EU-InfoG) StF: BGBl. I Nr. 113/2011 (NR: GP XXIV IA 1624/A AB 1444 S. 130. BR: AB 8606 S. 802.), <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20007573>

<sup>237</sup> 27.07.2010, BGBl. I Nr. 57/2010, Lissabon-Begleitnovelle, Bundesverfassungsgesetz, mit dem zur Durchführung des Vertrags von Lissabon das Bundes-Verfassungsgesetz und das Bundesverfassungsgesetz, mit dem besondere Bestimmungen für die Neuermittlung der Verteilung von nach der Wahl der Mitglieder des Europäischen Parlaments 2009 zu vergebenden Mandaten durch die Bundeswahlbehörde erlassen werden, geändert werden (Lissabon-Begleitnovelle)

parliamentary participation rights in EU affairs to the lower chamber. The Government has to inform the National Council on every nomination proposal of representatives to the European Commission, the European Court of Justice, the European Court of Auditors, the administrative board of the European Investment Bank, etc (Article 23c B-VG). Additionally, the responsible minister has to inform the National Council on all EU proposals and to give the chamber the opportunity to submit its opinion (Article 23e B-VG). The minister has also to inform the chamber expressly and as early as possible on forthcoming decisions within the European Council or the Council, either on the modification of voting rules from unanimity to qualified majority, or on the shift from a special legislative procedure to the ordinary legislative procedure. The National Council can bind the responsible minister through a mandate before negotiations in the European Council and the Council. Any deviation from the chamber's position has to be justified in parliament and can only happen because of integration and foreign policy reasons. Each minister must report to the National Council at the beginning of each year on forthcoming proposals from the Council and the European Commission, as well as on the Austrian position on these proposals (Article 23f B-VG).

Both chambers can also submit notifications to the EU institutions on any EU legislative proposals. In the framework of the subsidiarity monitoring, the National Council can submit a reasoned opinion on an EU legislative proposal (Article 23g B-VG), as well as subsidiarity complaints ex-ante ("Subsidiaritätsrüge") and ex-post ("Subsidiaritätsklage") (Article 23h B-VG). Treaty amendments and EU budget modifications require the National Council's approval before the Austrian representative in the European Council can take a decision (Article 23i B-VG). The lower chamber created a new instrument in 2010 through an amendment of its RoP: the EU topical debates, organised four times per year to discuss EU proposals (§74b, GOG-NR). In 2011, several amendments to the RoP added further parliamentary prerogatives in EU affairs<sup>238</sup>. The subsidiarity monitoring procedure established in the Treaty of Lisbon was added to the RoP. According to it, individual MPs can request a complaint against a European legal act (§26a GOG-NR). The request has to be submitted to the President of the chamber, who transfers it to the EU- Main Committee. Moreover, five MPs have the possibility to submit a short written question to a government member during a meeting to ask information on further details on an EU legislative proposal received by a minister (§31f GOG-NR).

The EU-information law came into force in January 2012<sup>239</sup>, but merely codified what had been done already in practice (Miklin, In: Wessels/Rozenberg et al., 2013). The law mentions the Parliament's EU-database and rules on information exchange between the National Council and the Government. Additionally, the Federal Constitution and the National Council's RoP were amended in 2012 through the so-called "ESM-Begleitnovelle" to extend

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[https://www.ris.bka.gv.at/Dokument.wxe?Abfrage=BgblAuth&Dokumentnummer=BGBLA\\_2010\\_I\\_57](https://www.ris.bka.gv.at/Dokument.wxe?Abfrage=BgblAuth&Dokumentnummer=BGBLA_2010_I_57) (last accessed 04.07.2018).

<sup>238</sup> 12.12.2011, BGBl. I Nr. 114/2011, Bundesgesetz, mit dem das Bundesgesetz über die Geschäftsordnung des Nationalrates (Geschäftsordnungsgesetz 1975) geändert wird, <https://www.ris.bka.gv.at/eli/bgbl/I/2011/114> (last accessed 04.07.2018).

<sup>239</sup> 12.12.2011, BGBl. I Nr. 113/2011, Bundesgesetz über Information in EU-Angelegenheiten (EU-Informationsgesetz - EU-InfoG), <https://www.ris.bka.gv.at/eli/bgbl/I/2011/113> (last accessed 04.07.2018).

Parliament's participation rights in the framework of the European Stability Mechanism<sup>240</sup>. Article 50 B-VG regulates Parliament's scrutiny and information rights on ESM-related matters<sup>241</sup>. Within the RoP, several paragraphs were added, mentioning the chamber's information rights on ESM matters, the creation of an ESM sub-committee and its competences<sup>242</sup>. Information policy on matters related to the ESM were further anchored in an ESM-information law in 2014. The management of classified EU and ESM documents was also mentioned in two additional laws in 2014 and 2015, the "Informationsordnungsgesetz" (InfOG)<sup>243</sup> and the "Informationsverordnung" (InfoV)<sup>244</sup>. Finally, recent amendments to the RoP were made in 2015 to provide MEPs and European personalities with the right to speak in committees for the first and in plenaries for the latter<sup>245</sup>. The President of the National Council can invite European and international personalities to make a declaration during a plenary session followed by a debate (§19a GOG-NR). Twice per year, government members must make EU declarations in plenary followed by a debate before European Council or Council meetings (§74b GOG-NR). In this framework, parliamentary groups can invite one affiliated MEP to participate in EU debates with a consultative voice. Participation of MEPs in plenary debates was a considerable change in the internal procedures, as they were merely allowed to participate in the EU-Main Committee meetings until recently.

The repetitive changes over the last years provided the lower chamber with formally strong powers in EU affairs. Scrutiny within the National Council happens mostly ex-ante and is centralised between the hands of the EU- Main Committee ("EU-Hauptausschuss") and its EU sub-committee ("EU-Unterausschuss"). The centralised procedure is used especially for the subsidiarity monitoring, where the tests are conducted within the EU sub-committee. According to a civil servant, even though the National Council obtained extensive information rights in EU affairs, their use remains limited in practice (Interview 7a, 2017). Both majority and opposition MPs think that their scrutiny rights are well developed, in particular the instrument of the binding mandate anchored in the Federal Constitution since Austria's accession to the EU. However, the practice showed that MPs barely use binding mandates. The latter turn out to be inefficient. Indeed, according to several MPs, binding mandates give ministers minimal decisional power during negotiations on the EU level, which might lead to results below Austria's expectations or even to the failure of the negotiations (Interview 1a, 2a, 8a, 11a and

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<sup>240</sup> 25.07.2012, BGBl. I Nr. 65/2012, Bundesgesetz, mit dem das Bundes-Verfassungsgesetz und das Zahlungsbilanzstabilisierungsgesetz geändert werden (ESM-Begleitnovelle), [https://www.ris.bka.gv.at/Dokument.wxe?Abfrage=BgblAuth&Dokumentnummer=BGBLA\\_2012\\_I\\_65](https://www.ris.bka.gv.at/Dokument.wxe?Abfrage=BgblAuth&Dokumentnummer=BGBLA_2012_I_65) (last accessed 04.07.2018).

<sup>241</sup> 25.07.2012, BGBl. I Nr. 65/2012, Bundesgesetz, mit dem das Bundes-Verfassungsgesetz und das Zahlungsbilanzstabilisierungsgesetz geändert werden (ESM-Begleitnovelle), [https://www.ris.bka.gv.at/Dokument.wxe?Abfrage=BgblAuth&Dokumentnummer=BGBLA\\_2012\\_I\\_65](https://www.ris.bka.gv.at/Dokument.wxe?Abfrage=BgblAuth&Dokumentnummer=BGBLA_2012_I_65) (last accessed 04.07.2018).

<sup>242</sup> 25.07.2012, BGBl. I Nr. 66/2012, Bundesgesetz, mit dem das Bundesgesetz über die Geschäftsordnung des Nationalrates (Geschäftsordnungsgesetz 1975) geändert wird, <https://www.ris.bka.gv.at/eli/bgbl/I/2012/66> (last accessed 04.07.2018).

<sup>243</sup> 29.12.2014, BGBl. I Nr. 102/2014, <https://www.ris.bka.gv.at/eli/bgbl/I/2014/102> (last accessed 04.07.2018).

<sup>244</sup> 24.03.2015, BGBl. II Nr. 58/2015, [https://www.ris.bka.gv.at/Dokument.wxe?Abfrage=BgblAuth&Dokumentnummer=BGBLA\\_2015\\_II\\_58](https://www.ris.bka.gv.at/Dokument.wxe?Abfrage=BgblAuth&Dokumentnummer=BGBLA_2015_II_58) (last accessed 04.07.2018).

<sup>245</sup> 29.05.2015, BGBl. I Nr. 62/2015, Bundesgesetz, mit dem das Geschäftsordnungsgesetz 1975 geändert wird, <https://www.ris.bka.gv.at/eli/bgbl/I/2015/62> (last accessed 04.07.2018).

14a, 2017). Some opposition parties argue that European Commissioners should have the right to come to Parliament to undergo a hearing before their nomination in the European Commission (Interview 6a, 2017). On the whole, the National Council obtained significant formal rights since 1995, but their effective implementation remains circumscribed.

### *6.2.2 Parliamentary administration and EU affairs: composition and tasks*

As mentioned previously, the National and the Federal Council share the same parliamentary administration. EU affairs are handled in the “EU and international department” as part of the “Administration” branch within the Parliamentary Directorate. Within the department, two sub-units assist parliamentarians’ work on EU matters: the “EU information and EU-database” unit and the “European relations” unit<sup>246</sup>. Before 2005, the “European relations” unit was divided into an “EU internal affairs” unit (“EU Innendienst”) and an “EU external affairs” unit (“EU Aussendienst”) responsible for foreign and European affairs. The Constitutional Treaty and Austria’s EU Presidency in 2006 justified the structural changes within the administration. The aim was to create a unique department entirely dedicated to EU affairs, with particular emphasis on EU policies. This department was first called “EU coordination” before being renamed „European relations“ (“EU-Mitwirkung und Europäische Beziehungen”). Following modifications to the EU database in 2012 after the entry into force of the Treaty of Lisbon, the competences of the “EU database” unit were widened in 2013, incorporating EU information. The aim was to create a unified department that would strengthen information access through the EU database, but also through the Parliament’s website. Only three civil servants within the “European relations” department are responsible for the preparation of the EU Main Committee and EU subcommittee meetings. Additionally, in the “Legislative” branch of the Parliamentary Directorate, the “Legal, Legislative and Research department” provides MPs with analytical information on EU matters.

Civil servants working within the EU departments have studied either European Law or matters linked to international affairs. Most have had international experience through their studies. For instance, one civil servant studied in three countries (Interview 6a, 2017). EU or European affairs were also part of their professional experience, even though they also exerted activities unrelated to the EU during their previous employments. For instance, one civil servant worked in the European Commission before entering Parliament (Interview 6a, 2017). Some civil servants were responsible for the work preparation of other sectoral committees before joining the “European relations” department. Most civil servants have long-term experience within the parliamentary administration. The Head of the “EU information and EU database” unit worked previously in the office of the Second President of the National Council and dealt among others with Council meetings. At that time, the Second President was also chair of the EU Main Committee, so the civil servant participated in the preparation of the committee work. She also contributed to the preparation of Austria’s EU presidency, but focused only on the cultural component (Interview 9a, 2017). Thus, the civil servant has been dealing with EU

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<sup>246</sup> See <https://www.parlament.gv.at/WWER/PDION/A/A3/index.shtml> (last accessed 04.07.2018).

affairs for 8 years. The Head of the “European relations” department is in the parliamentary administration since 1993 and had an extensive experience in foreign affairs and EU affairs, due to his previous functions in the “EU External affairs” unit (Interview 6a, 2017). He participated in the preparation of the country’s accession to the EU. Since 2001, he exerts his current functions and is responsible for the EU Main committee and sub-committee since 2007. The Head of the “Parlamentarwissenschaftliche Grundsatzarbeit” unit within the “Legal, Legislative and Research department” was involved in the RoP revisions due to his extensive legal experience, even though he never directly handled EU issues (Interview 10a, 2017). Civil servants from these units became sensitised to EU issues through their personal experience. Overall, few civil servants handle EU affairs. One civil servant estimates the number to 20 within the whole Parliamentary Directorate, which makes specialisation in EU affairs difficult (Interview 6a, 2017). Just as in the Luxembourg Chamber, civil servants consider themselves as generalists due to their lack of expertise on specific EU matters and the lacking personnel resources of the administration.

While the Federal Council has a small administration dealing with the management of committee meetings, the common parliamentary administration handles the technical matters for both chambers. The “European relations” unit has a double function: it deals with legislative and organisational matters. It is competent for the preliminary examination of EU documents on the basis of which political groups draft their arguments and place topics on their agenda. The unit is also preparing and managing meetings of the EU Main and sub-committee, supporting the committee Chair. Civil servants check for instance MPs’ speaking time or voting behaviour. During the preparation of the National Council’s EU Main and Sub-Committee meetings, civil servants have a consultative function. They inform MPs on EU documents and matters that could be of political interest. They centralise all information coming from the Government, but do not prioritise documents, as the decision lies between the hands of political groups. The “European relations” unit can request information from the ministries. During the classification of EU documents, they rarely analyse their content but proceed with a chronological structuring. Only documents falling within the subsidiarity monitoring are subjected to a thorough legal analysis by the two civil servants specifically responsible for subsidiarity matters within the unit. Whenever a matter requires particular attention, civil servants inform the MPs. The flow of EU documents is important because the Government is constitutionally obliged to transfer all EU documents to the Parliament. On top of that, since the Treaty of Lisbon, EU institutions transfer directly their documents to national parliaments. The “EU database” unit receives the EU documents and structures them in the electronic database. Documents are made accessible and publicised in electronic format, with the exception of classified or secret documents. The EU database also includes documents coming from the Foreign Affairs Ministry. Civil servants have access to its “32 Verteiler”. The civil servant managing the EU database has also access to the extranet of the Council to obtain information.

Based on the EU database, the “European relations” unit chooses topics from this information pool that could be of interest for political groups, especially in the framework of the subsidiarity mechanism. Civil servants check for instance all legislative proposals emanating from the European Commission requiring a reasoned opinion. After a legal analysis,

they prepare electronic lists and tables presenting the information and the legal recommendations for a “pre-subsidiarity check” (Mastenbroek/Zwaan et al., 2014). The politically non-binding recommendations are then transmitted to the political level, which decides what topics to examine. The “European relations” unit collaborates closely with group secretaries or group presidents. Every Tuesdays, during the so-called “jour fixe”, group speakers and civil servants from the “European relations” unit sit together with experts and group collaborators responsible for EU affairs to decide on the EACs’ agendas. The final decision on the agenda belongs to the groups, but civil servants have a consultative voice.

Parliamentary groups decide consensually on future agendas. Accordingly, civil servants invite the responsible ministers in the EU Main or Sub-Committee meetings. However, a civil servant admits that the difficult coordination between ministers’ and EACs’ schedules forces them to choose ministers before putting topics on the agenda (Interview 6a, 2017). Civil servants would then contact a minister and decide afterwards which EU documents to put on the list depending on the minister’s competences. The risk of such practices might be the wilful ignorance of important topics and the examination of potentially outdated topics with minor relevance. The “European relations” unit has frequent exchanges with the Foreign Affairs Ministry, the Finance Ministry and the Ministry of Justice (Interview 6a, 2017). The frequency of contacts with ministries depends highly on the salience of EU topics or documents. However, the choice of responsible ministers becomes increasingly difficult due to the transversality of EU affairs.

Additionally to the preparation of committee meetings, civil servants help MPs with legal matters whenever they have individual requests or questions. The “European relations” unit is also responsible for preparing and managing meetings in the National Council with representatives from EU institutions or for MPs’ trips to Brussels. The “European relations” unit prepares interparliamentary conferences. Within the “Legal, Legislative and Research Department”, civil servants receive general requests from MPs that imply legal and political research on various topics. EU affairs represent only a small proportion of the submitted legal questions.

The Austrian Parliament established a representation in Brussels in 2005 for both chambers, within the premises of the European Parliament. The representative of the Parliament in Brussels belongs to the “European relations” unit within the parliamentary administration, but is part of the Foreign Affairs Ministry during his/her functions in Brussels. From an organisational point of view, the representative belongs to the Foreign Affairs Ministry, but his tasks are entirely dedicated to the Parliament. His/her double hat and membership in the Permanent Representation of Austria ensure regular and direct contact with representatives from the Government and social partners, notably through regular informal meetings within the Permanent Representation (Interview 17a, 2017). Within the Permanent Representation, two colleagues are responsible for matters linked to the European Parliament and represent his main interlocutors. The liaison officer participates sometimes in meetings within the EU offices of the Länder. Exchanges with EU offices of Austrian professional chambers are infrequent and depend on the interests of the Main Committee Chairs. Contacts with Austrian MEP collaborators or civil servants from other national parliaments are rare. Exchanges happen only

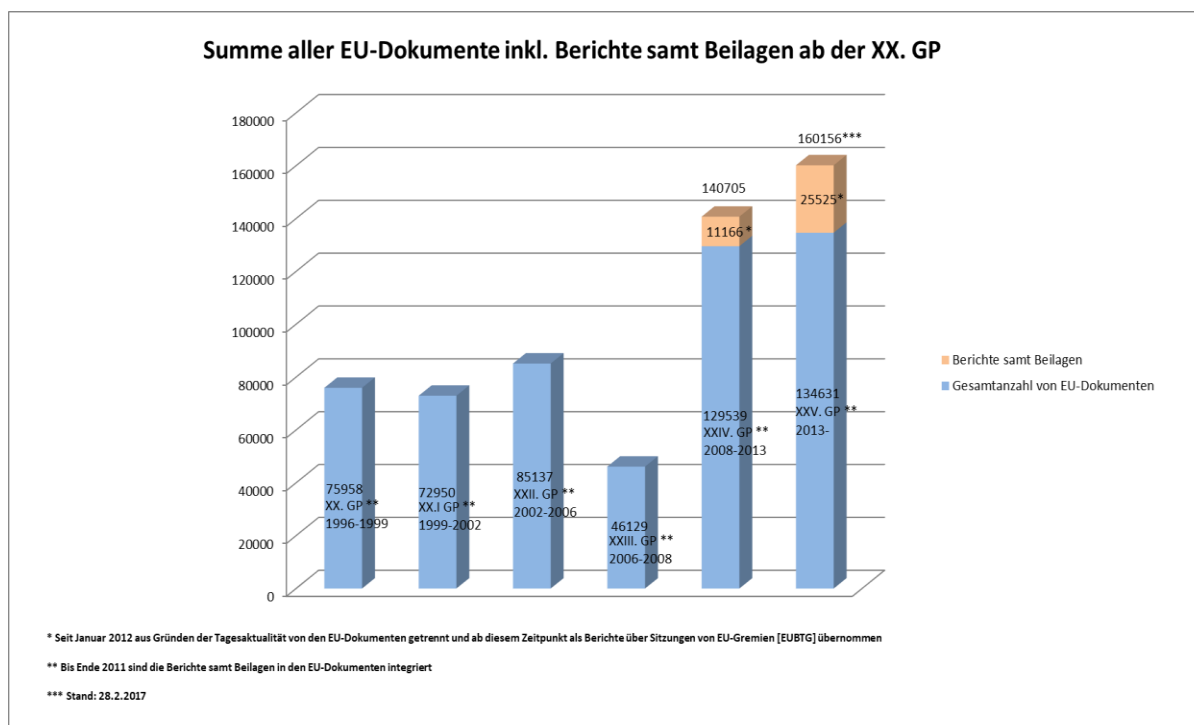
whenever a question arises punctually, especially in the framework of the subsidiarity monitoring. Previously, meetings between officials happened once per year on the EU level, but the establishment of offices in Brussels put a halt to this in 2012-2013. Contacts between the “European relations” unit and the liaison officer are also frequent and informal, through either phone calls or emails (Interview 17a, 2017). The liaison officer has different competences. His main task is to guarantee the constant link between Brussels and the Austrian Parliament, mostly through regular contacts, reports to the Parliament and screening of current EU topics. The liaison officer reports after each Monday Morning Meeting to the “European relations” unit. Subsequently, on Tuesday morning, the civil servants within the parliamentary administration inform the political groups about current evolutions on the EU level. Political groups communicate their positions on the matters and the civil servants transfer this information back to the EU representative.

The parliamentary representative is also responsible for the organisation of MPs’ and MEPs’ trips and visits to and from Brussels. He prepares and manages appointments between Austrian officials or politicians on the EU level. He writes discourses, classifies documents and background information and transfers information to the Austrian Parliament. He accompanies the delegations. The representative participates in the interparliamentary meetings in the European Parliament and sends background information to MPs before the meetings. Sometimes, the EU representative fulfils transversal tasks, whenever a department of the Parliamentary Directorate needs his assistance on the EU level. The liaison officer works in the Parliamentary Directorate since 2001 and was always involved in the EU and Foreign Affairs departments. He switched to Brussels in 2014 (Interview 20a, 2018).

Overall, MPs are satisfied with the support of the parliamentary administration. Efforts have been made to improve information access and transfer within and outside the Parliament. The Parliament’s online website added background information on current EU topics, such as Brexit, EU treaties etc, but also news on parliamentary activities in EU affairs (Interview 7a, 2017). Overall, officials’ workload and working methods changed in the course of the past years, especially since the Treaty of Lisbon and the subsidiarity monitoring procedure. The number of received EU documents in the EU database grew steadily and exponentially over the last years. For instance, according to the Head of the “EU information and EU database” unit, the number of EU documents before the end of the last legislative period (2013-2017) was already higher than the entire five years of the previous legislative period (2008-2013).



**Figure 29: Total number of EU-documents from the 20th to the 25th legislative period, Austria**



Source: National Council, Parliamentary Directorate, “A3.1 - EU-Informations- und –Datenbankmanagement”, Katharina Stourzh, Head of department, February 2017.

The overflow of EU information renders the on-time preparation, management and examination of EU documents difficult. According to a civil servant, the generalist profile and functions of the “European relations” unit guarantees a controlled and systematic supervision of EU documents, as long as the information flow stays the same (Interview 6a, 2017). However, the lack of personnel resources might be a problem in the future if the proportion of received EU documents grows further.

### *6.2.3 Parliamentary group staff: composition and tasks*

The particularity in the Austrian Parliament is that parliamentary groups or “Klubs” are common to both the National Council and the Federal Council. On top of the pool of group personnel recruited by each parliamentary group, individual MPs can recruit their parliamentary assistants. The number of collaborators depends on the size and the financial resources of the groups. Only few collaborators are specialised on EU affairs, even in bigger parliamentary groups such as the ÖVP and the SPÖ. Within the SPÖ group, only two collaborators deal with EU affairs. The Green group has one person dedicated to these matters. With regard to the large scope and volume of EU matters, the small personnel resources might be a problem for the collaborators. Compared to other political groups, the SPÖ has the most EU-collaborators. The SPÖ has also a secretary in charge of international affairs, responsible for networking and ensuring coordination between the Parliament, the Länder and the SPÖ party. Moreover, the



group also has an SPÖ delegation coordinator in Brussels who comes every three to five weeks to Vienna. Within the FPÖ group, staff handling constitutional affairs tend to deal more often with EU matters.

Group collaborators working on EU matters have divergent profiles. The collaborator within the Green group had an extensive professional experience in the political group and studied security and defence issues (Interview 5a, 2017). He started in 1995 as a collaborator on security, peace and foreign affairs, and became EU coordinator in 1999. Before entering the group, he was already actively engaged in peace movements. He exerted the function of secretary in the Austrian Peace Movement. He was actively engaged in the follow-up of EU treaties and worked in the past for the Green delegation member representing the European Parliament in the Convention on the Future of Europe. The collaborator from the SPÖ was recruited after submitting an application. Her main motivation was to work for an MP, but the absence of available assistant positions motivated her choice to apply by default for the EU section (Interview 3a, 2017).

Group collaborators have both analytical and organisational functions. EU collaborators are in charge of advising MPs on EU topics. Their familiarity with the dossiers allows them to emphasise the groups' political priorities. For instance, the Green EU coordinator is responsible for matters linked to primary law, treaty amendments, the neutrality principle and the CSDP. As a political function, he needs to coordinate positions between Green MEPs in Brussels, the political group in the National Council and the Austrian Green party. He endorses a hub function by being the main addressee of EU information, of requests from MPs to MEPs or MEP requests to the Green group in the National Council. He receives reports from the Green group in the European Parliament, as well as information from the ministries in the framework of the EU-information law. Ministries have to send assessments to the groups on EU proposals containing the time schedule, the existence or not of Council working groups, a short explanation on the content and an assessment from the responsible ministry. Assessments can be either very detailed, or on the contrary quite vague. Sometimes, the lack of time obliges ministries to send empty assessment reports with a justification to the Parliament. Depending on their interests and priorities, collaborators use selectively the EU database of the parliamentary administration. Sometimes, information even arrives earlier in the National Council than in the European Parliament, which forces political groups to position themselves on an EU matter before MEPs.

Once the collaborator receives these documents, he drafts his own assessments on the EU matters and sends them to the MPs. Assessments help modelling MPs' final positions before EAC meetings. EU collaborators or advisers prepare EAC meetings, but their functions in this regard differ from one group to the other. Indeed, while the collaborator of the SPÖ group prepares the content of the meetings (Interview 3a, 2017), the collaborator from the Greens focuses more on media issues linked to the EACs' agenda, leaving the content analysis to a subject specialist (Interview 5a, 2017). Both are in charge of selecting the matters that might be of interest for the group. The wide scope and transversality of EU issues obliges them to base on their colleagues' specialised knowledge. Whenever an EU dossier involves several policy fields, collaborators coordinate their work and consult each other. Even though the EU collaborator is primarily competent for EU affairs, each collaborator within the Green group

has to follow EU politics. This distribution of tasks might be explained by the group's small size combined with the ever-growing relevance of EU matters in all policy fields.

Collaborators participate in the weekly "jours fixes" aiming to prepare the EACs' agenda, to coordinate appointments with ministries and to prepare EU documents. These "jours fixes" are organised just before committee meetings and last one hour. Officials from the parliamentary administration are also present. Opposition groups can submit requests during these sessions that are only subject to discussion and no votes. Despite regular common meetings where consensual decisions are the rule, collaborators do not cooperate with their colleagues from other groups (Interview 3a, 2017). Group meetings serve mostly as ex-ante positioning arenas, for instance in the framework of the subsidiarity monitoring, when the responsible ministries lack the required expertise to handle an EU issue. Common group meetings serve also to set the EACs' agendas, which are theoretically between the hands of the committee chairs, but are in practice agreed consensually on the group level (Interview 3a and 6a, 2017). On top of the common meetings between all political groups, including social partners and group collaborators, internal group meetings are scheduled once per week within each group. During these meetings, EU collaborators inform the EU Speaker of the parliamentary group about developments in specific EU policies and positions of the civil society and the media. Their upstream work consists in screening permanently the media and the positions of the trade unions, professional chambers and other parliamentary groups. They provide the EU speaker with background information on current key issues, so that the MP can prepare the EAC meetings and orientate the group discussions. Groups can also organise expert hearings to obtain specific information.

Apart from preparatory tasks, EU collaborators deal with everyday tasks, such as the drafting of press releases, briefings and discourses, the organisation of events or the scheduling of group appointments. For instance, they prepare bilateral debates between European Commissioners and MPs. The Green EU coordinator is also responsible for the political management and coordination of the Greens' European elections campaigns in Austria.

MEPs and their collaborators are an additional source of information for the groups. Austrian MEPs are parliamentary group members. Contacts depend on the agendas of the European parliament and the National Council. Austrian MEPs from the same political party can be invited to attend "EU topical debates" and meet ex-ante with the respective group speakers to exchange information and coordinate positions. MEPs participate in the weekly internal group meetings before EAC sessions and come twice per year to the "club enclosures". They can also be invited to general internal group meetings before plenary sessions. Since 2015, they have a speaking right in the EAC. According to the SPÖ EU collaborator, MEPs take these appointments seriously and show up. However, committee meetings are not well attended because of overlapping schedules.

Beyond the sole group membership, MEPs are additionally member of party bodies and parties' extended federal boards, which ensures a tight interconnection between the different decision-making levels. Collaborators maintain contacts with MEP collaborators through a weekly skype meeting where they exchange information on future schedules and key issues. The Green group can rely for instance on approximately 10 MEP collaborators with specialised

knowledge, who represent the most important information source for the group (Interview 5a, 2017). Within the SPÖ group, MEP collaborators have also a permanent office in Vienna, with one permanent collaborator managing Austrian appointments (Interview 3a, 2017). However, information might be insufficient in specific policy fields, as the low number of MEPs does not allow covering all EU matters (Interview 3a, 2017). According to several interviewees, MEPs are marginalised on the national level, even within their own parliamentary group (Interview 4a and 13a, 2017). The different schedules and the diverging positions between MEPs and their party's line causes a lack of trust among MPs. A former EU speaker in the SPÖ group even admits that the close cooperation with MEPs caused mistrust and affected his reputation within the group (Interview 13a, 2017). One reason could be that political groups seek to stay the leaders in the national decision-making and refuse any interference from the EU level. Indeed, MEPs tend to detach themselves from the domestic party line and assign more importance to EU topics.

On the EU level, the SPÖ collaborator has regular contacts with the delegation coordinator in Brussels, who sends reports on the S&D group meetings in Brussels. Contacts happen mostly through phone calls. Group collaborators in Vienna discuss these reports. The SPÖ EU collaborator and the delegation coordinator organise common events or prepare future EAC meetings (Interview 3a, 2017). Group collaborators have no contact with the Parliament's representative in Brussels. If they need information, they pass through the Parliamentary Directorate, which contacts the liaison officer. In specific cases, collaborators can call directly the representative and request information. MPs participate also in meetings on the European level with colleagues from the same political family, either through multilateral or bilateral contacts. The Austrian Green Party maintains regular contacts with the German and Luxembourgish Green parties (Interview 12a, 2017). Closeness to Germany can be explained by the linguistic similarities and the geographical proximity. The FPÖ exchanges regularly with political groups or MPs from other national parliaments with similar ideological positions (Interview 11a, 2017).

MPs can also rely on party formats to deal more informally with EU affairs. Most parties have established working groups, which are composed of both MPs and party members. Within the ÖVP, a forum called "European and Foreign policies" is composed of party members, experts and representatives from the Foreign Affairs Ministry (Interview 4a and 9a, 2017). While there is a working group on EU affairs in the Green party, the SPÖ did not create any. The Greens establish working groups whenever a topic becomes salient. Either these groups can exist within the party or a common group between Brussels and Vienna focuses on specific topics. Groups have been established on migration policy, the ESM and fiscal compact or CETA and TTIP.

#### *6.2.4 Parliamentary committees and EU affairs*

The Austrian Parliament is described in the literature as a "working parliament" rather than a "debating parliament" (Blümel/Neuhold, In: Maurer/Wessels, 2001). The particularity of the National Council's EU Main Committee is its ability to act on behalf of the plenary (Article 23k B-VG). Within the lower chamber, the EU Main Committee (EU-Hauptausschuss)

and the EU Sub-Committee both centralise the scrutiny of EU affairs (Article 23k B-VG; §29, §31 GOG-NR). Committees within the National Council do not have their own committee secretariats and rely on the support of the Parliamentary Directorate. In the EACs' case, the "European relations" and the "EU information and EU database" units help with the preparation and examination of EU documents. The EU Main Committee is responsible for EU affairs since Austria's accession and existed prior to the country's EU membership without its current EU functions. The EU Main Committee is competent for institutional and fundamental EU matters such as EU treaty modifications, European Council or Eurogroup meetings, while the EU Sub-Committee handles specific EU policies and matters falling within the subsidiarity monitoring mechanism, the so-called "daily business". The Main Committee delegates tasks to the standing sub-committee at the beginning of each legislative period through a delegation resolution. It can take it back at any moment, either individually or collectively (§31e GOG-NR).

Sectoral committees work on EU affairs only on an ad-hoc and informal basis (Mastenbroek/Zwaan et al., 2014). EU documents remain usually between the sole hands of the EACs and are not sent to specialised committees (Blümel/Neuhold, In: Maurer/Wessels, 2001). The EU Main Committee is composed of 24 members and the EU Sub-Committee of 18 members nominated by the first. MEPs have a consultative voice in both committees (§31c GOG-NR). Members in both committees are interchangeable through re-registration, which means that whenever specific competences are needed on a matter, MPs from sectoral committees who are deputy-members of the EAC replace the regular committee members. Usually, parliamentary groups take the opportunity to place their speakers in EAC meetings so that they can bring in their policy expertise from sectoral committees and widen the discussion scope.

The EACs are the only competent bodies that adopt reasoned opinions. In the framework of the political dialogue initiated by the European Commission, they can also submit notifications to EU institutions, transferred by the President of parliament to the corresponding addressees (§31d GOG-NR). The Main Committee decides whether an EU matter needs to be put on the agenda of the plenary. Whenever the committee produces a report, it can send it to a specialised committee for prior consultation. The latter rule was added to the RoP in 2015<sup>247</sup>, in an effort to involve sectoral committees into the EU decision-making process. However, their contribution depends on the EAC's decision to consult them. The examination of EU affairs follows the same working methods as domestic affairs. EACs are free to decide on their own agenda, as the latter do not depend on plenary sessions. However, as outlined above, the final decision on the committees' agendas belong to political groups, who decide unanimously during their common group meetings. EACs examine EU-documents sent either by the Government in the framework of the EU-information law, or by EU institutions. Ministries must accompany the EU documents put on the EACs' agendas with written explanatory notes. The latter contain the ministers' positions, indications on potential implications for parliamentary scrutiny rights and effects on the subsidiarity principle. EACs can submit statements to the responsible minister on EU legislative proposals.

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<sup>247</sup> 29.05.2015, BGBl. I Nr. 62/2015, Bundesgesetz, mit dem das Geschäftsordnungsgesetz 1975 geändert wird, <https://www.ris.bka.gv.at/eli/bgbl/I/2015/62> (last accessed 04.07.2018).

The EU Main Committee has also the power to bind legally a minister before negotiations on the EU level. Before European Council meetings, the Federal Chancellor and the Foreign Affairs Minister come to the EU Main committee to explain the government's position. EAC meetings are public (§31c GOG-NR). The EAC either supports or rejects the Chancellor's position. During these ex-ante meetings, MPs have the possibility to ask questions to the Government, linked or not to the European Council meeting. After each negotiation round on the EU level, government members and the Chancellor are not obliged to report ex-post. In the case of EU treaty negotiations, the EAC deals with the Intergovernmental Conferences (IGC), while the Constitutional Affairs Committee handles the legal aspects of the ratification process. Before European Council meetings, the EU Main Committee can decide to establish a "Fire-Fighting committee" (Feuerwehrkomitee) depending on the salience of the current EU topics (§31e GOG-NR). This consultative body is composed of the EU Main Committee Chair and nominated representatives from each parliamentary group. The "firefighter committee" follows closely European Council meetings and is in permanent contact with the Federal Chancellor during negotiations on the EU level. After each EAC meeting, EU speakers from each political group report to their group's general meeting. As an intermediary between the group and the committee, the EU speaker must coordinate the group's positions and ensure a coherent voting behaviour among group members in the EAC.

Apart from the exceptions listed above, sectoral committees can also organise "current debates on EU topics". Questions might be asked to the responsible minister during such a session. Since the RoP amendments made in 2015, MEPs can also participate in sectoral committee meetings with a consultative voice, but only if the parliamentary group decides to invite them. At the beginning of each year, ministers have to submit to the National Council a report on expected EU legislative proposals before the 31<sup>st</sup> January. The reports encompass information on the yearly programmes of the ministerial departments dependent on the European Commission's programme, as well as envisaged future activities in EU affairs. Each sectoral committee discusses these reports, with the possibility to invite MEPs to the debates.

Everything considered, parliamentary activity in EU affairs remains highly centralised within the National Council. Sectoral committees deal only punctually with EU affairs whenever a topic falls into their field of competence, which does not speak in favour of a mainstreaming of EU affairs. EACs do not consult sectoral committees very often since the establishment of the new procedure in 2015. Moreover, some sectoral committees tend to deal more often with EU topics than others. For instance, the Finance committee handles a higher proportion of EU directives than the Budget committee, which focuses mainly on national budget matters. Interest for EU affairs remains circumscribed in the EACs, because EU affairs were not debated in plenary for a long time (Interview 14a, 2017). Even if the subsidiarity monitoring procedure improved committees' participation in EU affairs, the latter are still limited horizontally to the EACs (Interview 6a, 2017). Even EAC meetings turn out to be infrequent. In 2007 and 2009, the EU Main Committee met only four times each year (Interview

6a, 2017)<sup>248</sup> and six times in 2015-2016<sup>249</sup>. The EU Sub-Committee met only six times in 2007, five times in 2009, eight times in 2015 and seven times in 2016<sup>250</sup>. No common meetings are usually organised between EACs and sectoral committees. Additionally, proposals are examined only once in committees, which could represent a problem in the context of the highly dynamic subsidiarity monitoring (Interview 7a, 2017). Depending on the reactions of other national parliaments, it would be more efficient if a matter could be re-examined in parliament at a later stage.

Finally, some interviewees perceive cooperation with MEPs as insufficient (Interview 1a, 2a and 15a, 2017). A member of the Finance committee admits that exchanges with MEPs are rare (Interview 15a, 2017). MEPs' rights within parliamentary committees have been the object of long-lasting discussions over the past years, until recent changes in 2015. According to a former MP, sectoral committees should be able to invite or to discuss via skype with MEPs or rapporteur MEPs from other countries, just as in the Dutch Tweede Kammer (Interview 1a, 2017). Through this channel, MEPs could provide Parliament with useful additional information on the content and context of EU legislative proposals.

#### *6.2.5 Cooperation between Parliament and Government on EU affairs*

The Federal Constitution anchored Parliament's information rights when Austria joined the EU in 1995. Securing the information flow between Parliament and Government was already a priority before Austria's accession (Pollak/Puntscher Riekmann, In: Helms/Wineroither, 2017). The objective of such well-developed information policy was to reach consensus at the earliest possible stage of the legislative process, in order to elaborate a coordinated and coherent position on the EU level. The National Council's EU information policy became very comprehensive. The EU-database contains reports from Council and European Council meetings. Opposition parties were especially supportive of enlarging information access (Interview 7a, 2017). Government-Parliament relations are not the only sources of information. Indeed, depending on their position on the majority-opposition scale and their parliamentary functions, MPs get informed through their colleagues in Parliament, civil servants from ministry administrations, MEPs, interparliamentary conferences, meetings with MPs and MEPs from the same political family on the EU level, weekly group meetings in parliament, etc. Despite the numerous possibilities to obtain information, the Government-Parliament channel remains the most important source. Article 23e and 23f B-VG regulate the Government's obligation to inform the National Council as early as possible on all EU legislative proposals. Whenever voting rules or the type of legislative procedure changes on the

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<sup>248</sup> See [https://www.parlament.gv.at/PAKT/VHG/XXIII/A-HA/A-HA\\_00001\\_00228/index.shtml#tab-Sitzungsueberblick](https://www.parlament.gv.at/PAKT/VHG/XXIII/A-HA/A-HA_00001_00228/index.shtml#tab-Sitzungsueberblick) (last accessed 04.07.2018).

<sup>249</sup> See [https://www.parlament.gv.at/PAKT/VHG/XXV/A-HA/A-HA\\_00001\\_00344/index.shtml#tab-Sitzungsueberblick](https://www.parlament.gv.at/PAKT/VHG/XXV/A-HA/A-HA_00001_00344/index.shtml#tab-Sitzungsueberblick) (last accessed 04.07.2018).

<sup>250</sup> See [https://www.parlament.gv.at/PAKT/VHG/XXIII/SA-EU/SA-EU\\_00001\\_00233/index.shtml#tab-Sitzungsueberblick](https://www.parlament.gv.at/PAKT/VHG/XXIII/SA-EU/SA-EU_00001_00233/index.shtml#tab-Sitzungsueberblick) (last accessed 04.07.2018) and [https://www.parlament.gv.at/PAKT/VHG/XXV/SA-EU/SA-EU\\_00001\\_00351/index.shtml#tab-Sitzungsueberblick](https://www.parlament.gv.at/PAKT/VHG/XXV/SA-EU/SA-EU_00001_00351/index.shtml#tab-Sitzungsueberblick) (last accessed 04.07.2018).

EU level, the National Council benefits from special information rights before any decision from government members.

Since 2003, the Government provides explanatory memoranda on issues on the EAC's agenda (Miklin, In: Hefftl/Neuhold/Rozenberg/Smith, 2015). Even before the establishment of such a procedure, the Government committed itself to provide the needed information to Parliament (Interview 6a, 2017). Further improvements were undergone in 2004, obliging individual ministries to transfer yearly reports to the Parliament on the European Commission's annual programme and the planned EU legislative proposals. The new rules aimed at securing MPs' early involvement in the domestic and European decision-making process. More recently, the EU-information law that entered into force in 2012 institutionalised even further the lower chamber's information rights<sup>251</sup>. The main criticism addressed to the law concerns its focus on documents originating from the EU level. Indeed, the EU-information law does not mention documents produced by the ministries or labelled as "classified", which means that they are not included in the Parliament's EU database.

According to paragraph 5 of the above-mentioned law, the Federal Minister for Europe, Integration and Foreign Affairs has to report every six months to Parliament on EU proposals that will be discussed in the Council. If EU proposals imply the revisions of EU treaties or concern CFSP matters, an ex-ante information is also compulsory. Whenever a subsidiarity complaint has been submitted to the ECJ, the Federal Chancellor must inform the National Council on the oral negotiations (§8, EU-InfoG). Moreover, members of the EU Main Committee can ask the President of the National Council to request written information from government members on EU documents. The written information can be handled outside of the regular parliamentary agenda (§31c GOG-NR). The establishment of "Fire-fighting" committees also permits to establish a permanent contact to the Federal Chancellor during European Council meetings. Formal information rights have thus been substantially developed during two revision waves, the first during Austria's accession to the EU and the second in 2012 in the wake of the Treaty of Lisbon. Through an early ex-ante information policy, the National Council has the possibility to intervene at an early stage in the legislative process. The National Council can give its opinion during the formulation of governmental draft bills.

Political groups play a significant role in ex-ante discussions and the draft of Government and Parliament positions. Indeed, as explained in the section on parliamentary groups, the latter use mostly informal channels to coordinate their position. Informal discussion formats were established between MPs from different political groups after Austria's accession to the EU (Interview 2a, 2017). Majority groups in the National Council benefit from direct contacts with their ministers, during group meetings or on a regular basis whenever information is needed. MPs from the coalition rarely attempt to contradict their Government. Coalition partners tend to coordinate their positions before the weekly group meetings. This coordination founds on the coalition agreement established after the elections and the coalition formation. Both partners should use every instrument in Parliament such as the submission of requests, proposals or motions in a consensual way. Whenever a coalition partner does not agree with a

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<sup>251</sup> 12.12.2011, BGBl. I Nr. 113/2011, Bundesgesetz über Information in EU-Angelegenheiten (EU-Informationsgesetz - EU-InfoG), <https://www.ris.bka.gv.at/eli/bgbl/I/2011/113> (last accessed 04.07.2018).



parliamentary instrument, the other party abstains from using it, at the risk of leading to the dissolution of the coalition agreement.

Group speakers have a privileged access to ministerial sources. Usually, contacts between governmental parties and their parliamentary groups are informal. For instance, budget speakers and the responsible ministers met informally to discuss the economic and financial crisis outside parliamentary committees' framework (Interview 15a, 2017). During the last legislative period (2013-2017), the SPÖ organised ad hoc meetings with EU advisors from ministries. The group was also deciding about minister appointments (Interview 3a, 2017). This decision was taken before common group meetings, which left little leeway to opposition parties to contradict the choice. On the contrary, relations between the opposition and the Government are institutionalised and formal. Access to information is thus more difficult and supervised. While "lines are short" between MPs from governing parties and the Government, opposition MPs think that "the two big parties make "deals in EU affairs"" (Mastenbroek/Zwaan et al., 2014, p.77), which limit their influence on decision-making (Interview 1a, 12a and 16a, 2017).

To conclude, the information flow between Government and Parliament is perceived as satisfying (Interview 2a and 11a, 2017). However, the problem does not lie anymore in the quantity of received documents, but rather in the management and prioritisation of such information. Opposition parties do not have the required resources to access information and identify all relevant issues. This is even truer as most elements of the EU's decision-making process are unwritten and informal. According to an FPÖ MP, even the availability of information does not guarantee influence (Interview 11a, 2017). Within Parliament, the EAC remains the only body with privileged access to EU information. On top of this, MPs still use insufficiently some parliamentary instruments to scrutinise the Government. For instance, there are no institutionalised ex-post discussions in Parliament on European Council meetings. Moreover, MPs do not use the document request tool, which gives them the possibility to ask a ministry to provide them with documents on a specific dossier received over the course of the last three months. Furthermore, binding mandates are rarely implemented in practice since Austria's accession to the EU. A dramatic event in the first years following membership discouraged MPs to bind their ministers. Indeed, in the early 2000s, the National Council bound the then federal agriculture minister to its position on a European directive on animal transport. The binding mandate forced the minister to vote against the new regulation, while the rest of the Member States voted in favour. Austria obtained a result that was inferior to its expectations. In addition to that, even if a minister deviates from the National Council's mandate, the blurred definition of "compelling integration policy reasons" justifying such a deviation limits the effectiveness of binding mandates. Diverging interpretation of the definition makes it difficult to contradict the minister's decision.

#### *6.2.6 Discussion*

This section presented the development and current status quo of parliamentary participation rights in EU affairs. We observed that the National Council obtained substantial



scrutiny rights since Austria's accession to the EU. The Federal Constitution and the internal RoP were amended several times to include new rules deriving from EU treaties. Several laws completed the revisions to strengthen the National Council's information policy. Despite efforts to improve the chamber's formal capacities, its influence on the EU decision-making remains circumscribed. The strong constitutional rights do not reflect the practice. According to Pollak (2009), the question of de- or re-parliamentarisation trends in the case of Austria can be conceived with ambiguity. The National Council's formal rights speak in favour of an improvement of its legislative function. However, authors and interviewees observe the contrary in practice.

Within Parliament, we can distinguish between two camps: on the one hand, opposition MPs and civil servants who are not satisfied with their current participation rights and on the other hand, majority MPs who express their overall satisfaction because they benefit from additional governmental sources. FPÖ MPs argue that national parliaments do not have effective participation rights in EU affairs (Interview 11a and 19a, 2017). An FPÖ MP differentiates between the constitutional theory and the reality on the ground. According to him, the National Council is deprived of its participation rights in the constitutional reality (Interview 11a, 2017). Ministries tend to dominate the legislative process. The subsidiarity monitoring would be only an illusory competence. The binding mandate instrument would be a "placebo", because most competences have been transferred to the EU level (Interview 19a, 2017). Plenary and committee debates would be a "façade", because ministries take decisions on EU matters in the pre-parliamentary arena. Opposition MPs are not satisfied with the cooperation mechanisms with the Government. Information arrives too late in Parliament or is not sufficiently detailed. It does not give enough time to MPs to draft the agenda or to examine documents. Debates on EU matters turn out to be vague because of the lack of time to process the information. A Green MP is particularly critical when it comes to information linked to the European Semester, where Government bypasses Parliament by taking decisions without the National Council's opinion (Interview 15a, 2017). The latter receives the final decision ex-post. The same applies to minister hearings. The Finance Minister would only rarely appear in Parliament to provide explanation on the European Semester. According to interviewees, ECOFIN meetings would be subjected to ex-post reports only if the Finance committee schedules a meeting accordingly. Moreover, majority MPs argue that coordination with the Finance Minister is close within the group between the finance and budget speakers (Interview 2a, 12a and 18a, 2017). According to a Green MP, both Government and Parliament are responsible for the disappointing implementation of the information policy (Interview 15a, 2017).

Opposition and majority MPs agree to say that the National Council has a resource disadvantage compared to the Government, even though they are satisfied with the current support of the Parliamentary Directorate (Interview 1a and 2a, 2017). The latter possesses a large administration with the needed knowledge and expertise. Sometimes, due to time constraints, ministries give only vague information on EU matters, which hinders committees from handling thoroughly EU topics or even putting a matter on their agenda. Even though majority MPs are satisfied with the current information policy, they agree that the scrutiny infrastructure needs improvements. According to an ÖVP MP, the National Council has mostly

consultative competences, because the final decisions belong to the executive (Interview 2a, 2017). The latter wishes to keep the monopoly on decision-making, both on the national and European level.

Within the National Council, the decentralisation of EU scrutiny proves to be timid. The EACs still concentrate most EU activity. Only sectoral committees particularly concerned with EU issues tend to become punctually involved. Overall, the number of committee meetings are low and highly dependent on ministries' agenda. MEPs' participation in committee and plenary meetings remains insufficient, mainly because of schedule problems. "European days" established in 2005 and consisting in full-day plenary debates dedicated to EU topics were rarely used as such, but rather as opportunities to discuss national issues (Dossi, In: Maurer/Neisser/Pollak, 2015). Instead, they were replaced in 2010 by "European topical debates". According to a former BZÖ MP, the establishment of the latter was an inefficient "optical and cosmetic improvement", because it did not lead to concrete decisions (Interview 19a, 2017). According to a civil servant, the National Council lacks a discussion culture on EU affairs (Interview 7a, 2017). Some instruments do not yet exist to cope with specific rules created on the EU level, such as passerelle clauses (Interview 6a, 2017).

Opposition parties have repeatedly pleaded for further RoP amendments: NEOS requested changes in June 2014 and the Greens in July 2014. A former BZÖ MP argues that more than Parliament's competences in EU affairs, it is the whole competence distribution between the Federation and the states that needs to be reformed (Interview 19a, 2017). The redistribution of competences back to the national level would provide Parliament with strengthened participation rights in EU affairs. Within the ÖVP, initiatives have been taken to improve the group's information policy. Party members requested from government members to inform them earlier on important issues through phone calls (Interview 4a, 2017). A former ÖVP MP also suggested nominating an EU speaker from each political group to be represented in sectoral committees. These EU speakers would exert their functions in parallel to the main EU speaker of each group and could be responsible to follow and report on EU issues linked to their specialised committee (Interview 2a, 2017). A former SPÖ MP proposed to invite EU representatives from the European Commission or the European Parliament to the National Council's plenary sessions (Interview 17a, 2017).

Overall, MPs are reluctant to use parliamentary instruments, such as binding mandates. When the latter are used, then mainly by majority MPs to back their Government's position on the EU level (Miklin, In: Wessels/Rozenberg et al., 2013). For instance, the use of binding mandates by the opposition depends on the support of the majority, as they are decided by unanimity in committees (Neisser, In: Neisser/Puntscher Riekmann, 2002). The weak influence of the National Council in practice is mainly due to the predominance of party politics over Parliament-Government relations. The personalised proportional electoral system makes MPs highly dependent on their respective parties. The strong party discipline forces them to stick to the party's line. This is especially visible for majority MPs, who abstain from criticising openly their Government (Mastenbroek/Zwaan et al., 2014). According to Puntscher Riekmann and Wydra, "[...] informal agreements and a strong party-discipline in EU-matters have thwarted formal powers [...]" (2013, p.572).

The automaticity of governmental majorities, until recently shared between the SPÖ and the ÖVP, led to informal “pre-cooking” of legislation in the pre-parliamentary arena between Government and affiliated parliamentary groups and gave little influence to opposition parties (Dossi, In: Maurer/Neisser/Pollak, 2015). The absence of confrontation between majorities in government and parliament leads to lower involvement and scrutiny of the Government’s EU policy. Majority groups within the National Council tend to determine parliamentary work and the topics on the agenda (Interview 11a, 2017). This might bias the decision-making process, because topics promoted by the Government might crowd out opposition’s suggestions from the agenda. A green MP even describes the National Council as an “executive parliament” (Interview 15a, 2017). Government would lead the legislative process and Parliament would abstain from amending draft bills because of partisan strategies. Opposition has thus no power over decisions leaving Parliament. The majority is even reluctant to revise the RoP, because of the two-thirds majority requirement and the potential threat to the Government’s influence on EU policies through a strengthening of minority rights (Interview 15a, 2017).

To sum up, despite significant amendments to its legal basis and scrutiny infrastructure, we cannot observe trends towards a mainstreaming of EU affairs by looking at the National Council’s formal capacities. The next section will focus on effective parliamentary activity in EU affairs and the sociological factors influencing MPs’ involvement in the National Council.

### 6.3 EU affairs in parliamentary work: opportunities and constraints

The present section aims to outline MPs’ personal and political profiles and to explain their influence on parliamentary involvement in EU affairs. First, we will present the National Council’s socio-demographic characteristics. We think that the more an MP has a “Europeanised” profile<sup>252</sup>, the more he/she will be keen to engage in EU affairs (H2.1). As Austria became a member of the EU only in 1995, it might be highly probable that most MPs started to deal with EU affairs during their political mandate. We also assume that MPs who followed the accession to the EU might be those dealing the most with EU affairs nowadays. The second part of this section will then focus on the evolution of parliamentary activity in EU affairs, assessing the impact of MPs’ sociological profiles and motivations on their involvement. We base our arguments on qualitative data retrieved from interviews with MPs and civil servants from the National Council. On top of this, we use statistical and biographical information available on the Parliament’s website.

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<sup>252</sup> See the definition given in the Chapter on Luxembourg, section 6.3.

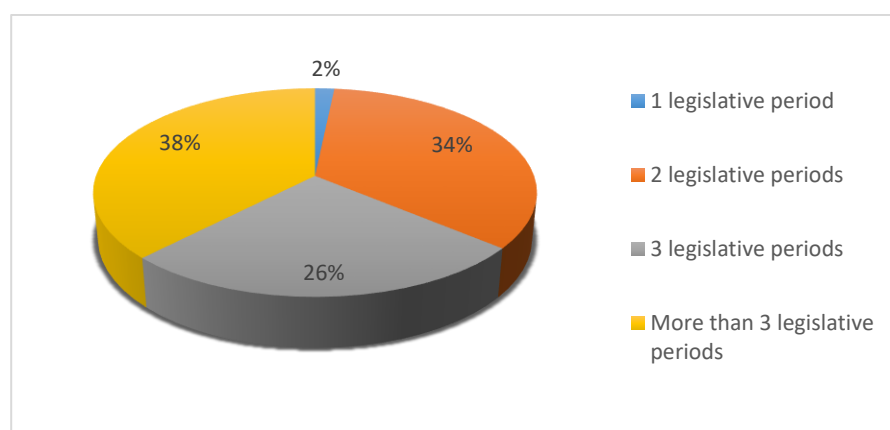
### 6.3.1 General socio-demographic characteristics of the National Council

This section focuses on the motivational factors that might drive Austrian MPs to get involved in EU affairs. After a general description of the lower chamber's composition, we focus on identified key players.

#### 6.3.1.1 Composition of the National Council: MPs' profiles

A large proportion of MPs (64%) exerted 3 or more parliamentary mandates during the last legislative period 2013-2017. 26% had exerted exactly 3 parliamentary mandates and 38% had exerted more than 3 consecutive mandates. Overall, more than half of the National Council's MPs had a long-term political experience within Parliament, as shown by the graph below.

**Figure 30: Number of exerted parliamentary mandates per MP (in %), National Council, 2013-2017**



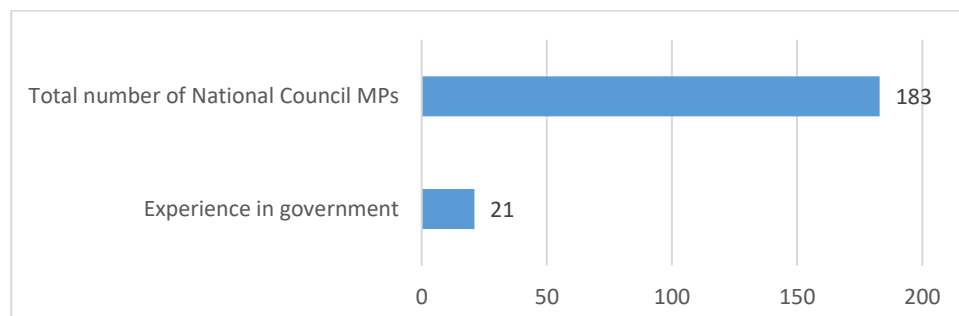
Source: Own calculations, <https://www.parlament.gv.at/WWER/NR/AKT/> (last accessed 04.07.2018).

Seniority among MPs seems to be a major feature of the National Council, probably because of the long-lasting SPÖ-ÖVP coalitions that guaranteed re-election of a large proportion of MPs. The fact that renewal among majority MPs from the SPÖ and ÖVP is low gives to the Government a high influence on the decision-making through these senior MPs. The Government can rely on a long-term support on the parliamentary level. On the contrary, opposition MPs tend to switch more often mandates, which provides them with less influence on the decision-making process. The high seniority rate among majority MPs is also indicative of a tradition of professionalised parliamentarians, who might be very familiar with parliamentary working procedures. Indeed, these MPs might have deeper knowledge on parliamentary practices and might be socialised into parliamentary norms, ensuring the continuity of the institution.

Among the 183 MPs, only 21 had an experience in the Government during the legislative period 2013-2017. Unlike Luxembourg, the National Council does not seem to act as a

springboard for ministerial positions, with some exceptions in the biggest mainstream parties (SPÖ and ÖVP).

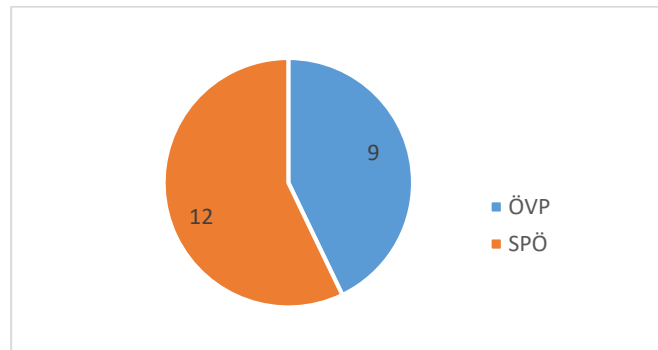
**Figure 31: Number of MPs with experience in the executive (in total), National Council, 2013-2017**



Source: Own calculations, <https://www.parlament.gv.at/WWER/NR/AKT/> (last accessed 04.07.2018).

We observed that MPs with previous political mandates in Government were exclusively from both coalition parties SPÖ and ÖVP. Even though the FPÖ formed a coalition with the ÖVP between 1999 and 2007, no FPÖ MP from the then coalition government was represented in Parliament between 2013-2017. Among the 21 MPs with an experience in Government, 12 belonged to the SPÖ and 9 to the ÖVP, as illustrated by the graph below.

**Figure 32: Distribution of MPs with experience in the executive (in total), National Council, 2013-2017**



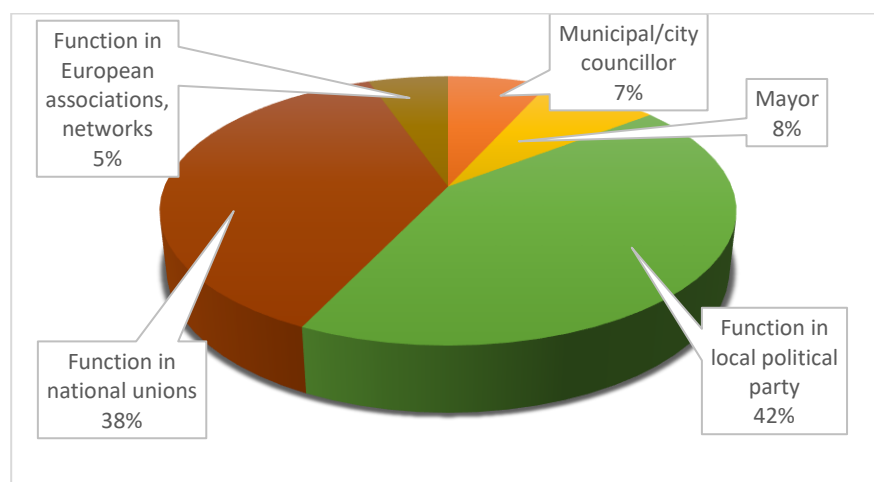
Source: Own calculations, <https://www.parlament.gv.at/WWER/NR/AKT/> (last accessed 04.07.2018).

For majority MPs, it might be easier to switch from Parliament to Government and vice-versa. Through the practice of “ministry reservation”, they have the possibility to access ministerial positions. Switching from the MP position to ministerial functions seems to be quite common in Austria for a small circle of politicians. The line between the legislative and the executive levels is thin, especially for SPÖ and ÖVP MPs. The particularity of the Austrian political system is the theoretical possibility to keep one’s parliamentary mandate once nominated in the Government. However, ministers give up all their parliamentary functions during this period. Even though not anchored in the Constitution, incompatibility between the two positions is commonly accepted and applied in practice (Interview 2a, 2017). MPs with government experience might bring with them knowledge and practices from the ministries and be better informed on government-parliament relations through privileged information access.

Experience in the executive might thus bias MPs' opinion and working methods in Parliament. It could even reinforce the non-conflictual culture and passivity on the side of MPs that occupied governmental positions, because their experience in the executive encourages them to support the government in place. Government members might also benefit from contacts with former government members by gaining insights into their parliamentary work. This is even truer as former government members still benefit from privileged contacts with the government and are usually the first chosen if a minister resigns.

Within the National Council, most MPs exert functions within federal/regional/local political entities in parallel to their mandate in Parliament. For a majority, their federal mandate is thus part-time. MPs cannot be member of another regional parliament, but they can cumulate functions in municipality councils, as the latter are regarded as self-governing bodies being part of the administration. Collaborators in the local constituencies support MPs' work and can accompany them to sessions in Vienna.

**Figure 33: Distribution of representative functions among MPs (in total), National Council, 2013-2017**



Source: Own calculations, <https://www.parlament.gv.at/WWER/NR/AKT/> (last accessed 04.07.2018).

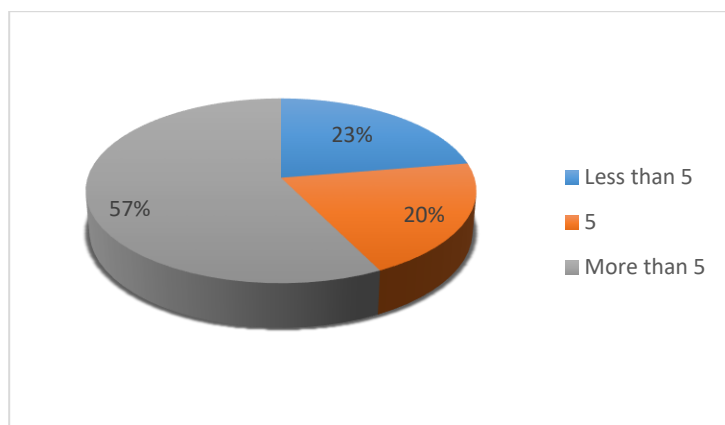
MPs seem to be particularly active in local political parties (42%), as well as in national unions<sup>253</sup> (38%). This can be explained both by the significant role played by political parties and the well-developed corporatist culture that encourages close ties with social partners on all decisional levels. The Austro-corporatist system encourages close ties with national unions, such as professional chambers. MPs belonging to national unions might tend to defend domestic priorities close to the unions' positions in their parliamentary work. Thus, we assume that the influence of national unions on MPs' activities is important. Membership in a local political party is often the first step for Austrian MPs to start a national political career. Indeed, just as in Luxembourg and Finland, the electoral system based on personalised campaigns obliges MPs to distinguish themselves politically and count on the support of their party. Party affiliation and local ties are strong determinants in MPs' political careers. This explains why a large proportion still has functions on the local level. The federal system also encourages MPs to

<sup>253</sup> National unions are understood here as membership in professional Chambers, syndicates, political associations, networks, federations, academies/think tanks, NGOs etc.

maintain close contacts with their electorates. In general, the proportion of MPs member of European associations or networks is low. Local and regional politics play a more important role.

Apart from the Speaker and Deputy Speakers of the National Council, all MPs have multiple committee memberships. Most committees do not meet on a frequent basis. Over 77% of MPs belonged to 5 or more committees between 2013-2017.

**Figure 34: Number of committee memberships per MP (in %), National Council, 2013-2017**



Source: Own calculations, <https://www.parlament.gv.at/WWER/NR/AKT/> (last accessed 04.07.2018).

As there is no clear rule in the RoP regulating the maximum number of committee memberships, it explains why most MPs belong to more than 5 committees. Consequently, multiple committee memberships affect the time spent in each committee, as well as MPs' specialisation level. Indeed, they tend to have generalist profiles due to the lack of time to specialise on certain issues. The Government might benefit from the general lack of expertise, because MPs do not have the same knowledge level and the capacity to process information as ministry civil servants. Therefore, it could also explain why majority MPs rely and trust government information instead of relying on other sources.

In closing, the graphs above show that the professionalization level of Austrian MPs is high due to their long-lasting parliamentary career, which could be synonym of a good knowledge of their institutional counterparts and their channels of influence. The latter can be former ministerial contacts if they happen to have an experience in the Government, or more frequently their link to national unions or local political parties. As we saw in an earlier section (6.1.1.4), the latter entities play a significant role in the formulation and implementation of decision-making. Therefore, due to Austria's electoral system, political affiliation and activities on the local level are crucial elements forging MPs involvement in Parliament. The close relations to professional chambers, trade unions or membership in regional or local parties might constitute elements influencing the way parliamentarians perceive EU affairs. Indeed, the closeness with social partners and their political parties might push MPs to defend primarily domestic interests, because their career is deeply rooted in local bodies.



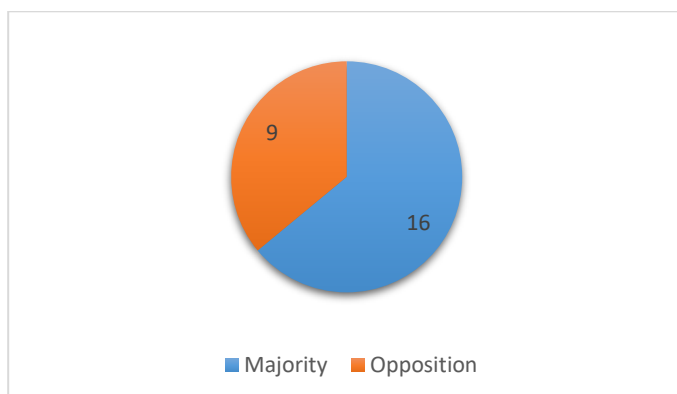
### 6.3.1.2 Profiles of parliamentary key players in EU affairs

This part focuses on the key players that proved to be particularly active in EU affairs and the follow-up of EU treaties and intergovernmental treaties on the EMU. Like in the Luxembourgish case, we identified two types of actors: on the one hand EAC members and on the other hand sectoral committee members that deal punctually with EU affairs whenever their field of competence is concerned.

#### **EAC members**

Both the EU Main Committee and the EU Sub-Committee were composed of all political groups according to their proportional representation in 2013-2017. The EU Main Committee had 25 members and the sub-committee 19 members. Within the former, 16 were from the SPÖ-ÖVP majority (8 from each coalition party) and 9 from the opposition.

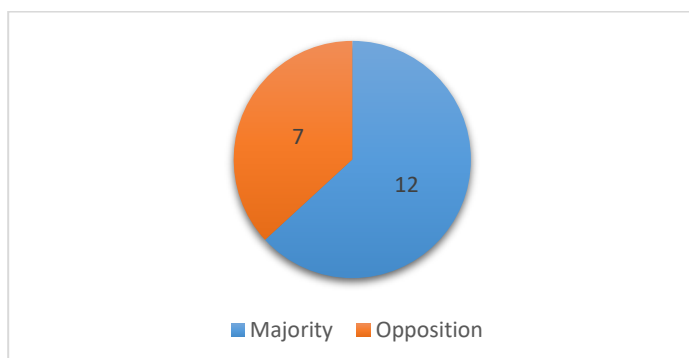
**Figure 35: Ideological distribution of EU HA membership (in total), National Council, 2013-2017**



Source: Own calculations, [https://www.parlament.gv.at/PAKT/VHG/XXV/A-HA/A-HA\\_00001\\_00344/index.shtml](https://www.parlament.gv.at/PAKT/VHG/XXV/A-HA/A-HA_00001_00344/index.shtml) (last accessed 04.07.2018).

Within the latter, majority MPs had 12 seats (6 each) and opposition MPs had 7 seats.

**Figure 36: Ideological distribution of EU-UA membership (in total), National Council, 2013-2017**

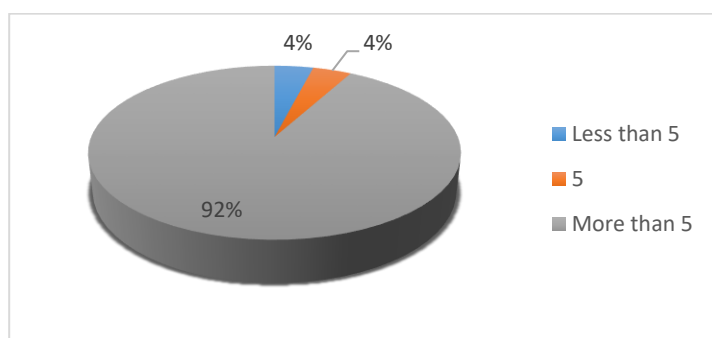


Source: Own calculations, [https://www.parlament.gv.at/PAKT/VHG/XXV/SA-EU/SA-EU\\_00001\\_00351/index.shtml](https://www.parlament.gv.at/PAKT/VHG/XXV/SA-EU/SA-EU_00001_00351/index.shtml) (last accessed 04.07.2018).

The fact that the majority rules both committees might mean that the Government's EU line is systematically backed by its MPs in Parliament. The absence of a strong opposition in these committees might also affect the use of parliamentary instruments, as majority MPs tend to be less active to show their support to their Government. The latter's influence on both committees is also illustrated through the profiles of EAC Chairs. Since 2002, the SPÖ and ÖVP had the monopoly on the nomination of the EU-HA and EU-UA chairpersons. Additionally, 3 out of 4 EU-HA and 2 out of 4 EU-UA chairpersons were former government members<sup>254</sup>. This observation confirms the strong control that the Government might have on EU affairs due to the double constraint weighing on EAC Chairs: their affiliation to majority parties and their former government functions.

Compared to the rest of MPs, the proportion of EAC members with multiple committee memberships is significantly higher. Within the EU Main Committee, 92% of MPs belong to more than 5 parliamentary committees.

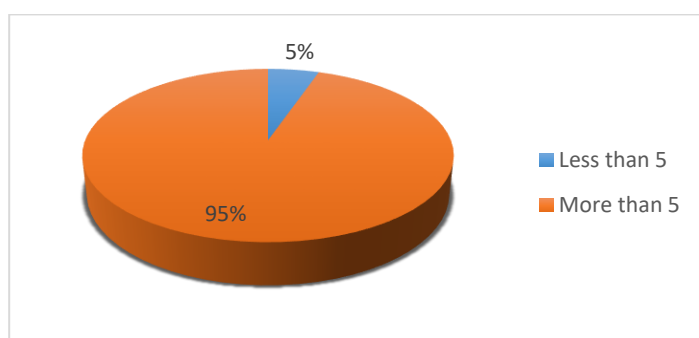
**Figure 37: Number of committee memberships per EU-HA member (EU HA included, in %), National Council, 2013-2017**



Source: Own calculations, [https://www.parlament.gv.at/PAKT/VHG/XXV/A-HA/A-HA\\_00001\\_00344/index.shtml](https://www.parlament.gv.at/PAKT/VHG/XXV/A-HA/A-HA_00001_00344/index.shtml) (last accessed 04.07.2018).

Within the EU sub-committees, 95% of MPs belong to more than 5 parliamentary committees.

**Figure 38: Number of committee memberships per EU-UA member (EU-UA included, in %), National Council, 2013-2017**



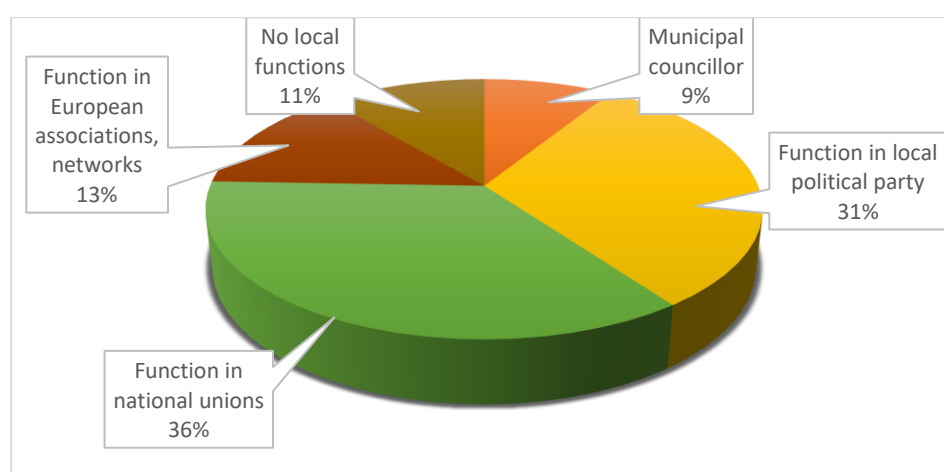
Source: Own calculations, [https://www.parlament.gv.at/PAKT/VHG/XXV/SA-EU/SA-EU\\_00001\\_00351/index.shtml](https://www.parlament.gv.at/PAKT/VHG/XXV/SA-EU/SA-EU_00001_00351/index.shtml) (last accessed 04.07.2018).

<sup>254</sup> Own calculations based on data from the National Council's website, according to each legislative session from 2002-2013.

Multiple committee membership can be an added-value for EAC members, especially whenever subsidiarity matters are being reviewed. On the one hand, MPs belonging to several sectoral committees can use their memberships to bring specialised knowledge into the EAC discussions. On the other hand, they can also use their knowledge on European issues whenever a sectoral matter contains a European perspective.

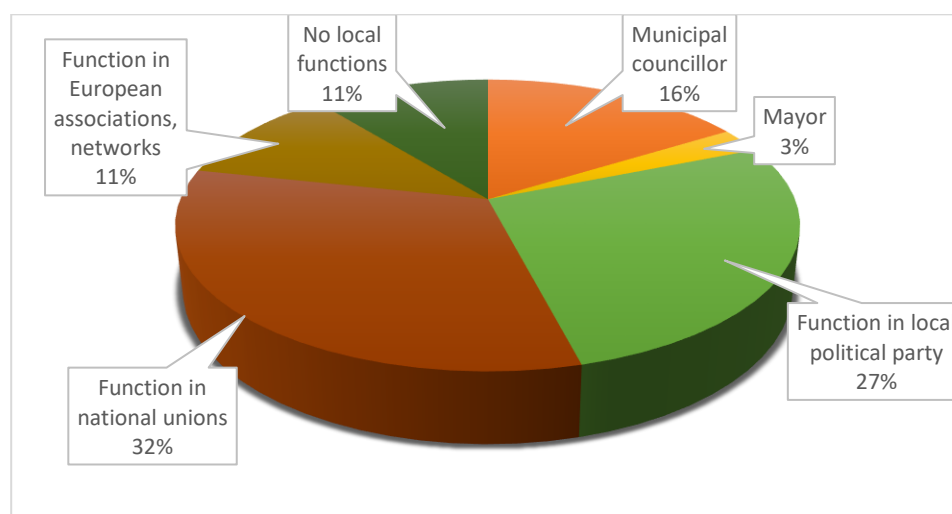
Compared to the rest of parliament members, EAC members have slightly less functions in local parties and unions. Membership in European associations is however double the proportion observable in the whole parliament. Indeed, respectively 13% and 11% of EU Main Committee and EU Sub-Committee members are participating in European associations, federations, bodies and/or networks.

**Figure 39: Distribution of representative functions among EU-HA members and EU-UA members (in %), National Council, 2013-2017**



Source: Own calculations, [https://www.parlament.gv.at/PAKT/VHG/XXV/A-HA/A-HA\\_00001\\_00344/index.shtml](https://www.parlament.gv.at/PAKT/VHG/XXV/A-HA/A-HA_00001_00344/index.shtml) (last accessed 04.07.2018).

**Figure 40: Distribution of representative functions among EU-UA members and EU-UA members (in %), National Council, 2013-2017**



Source: Own calculations, [https://www.parlament.gv.at/PAKT/VHG/XXV/SA-EU/SA-EU\\_00001\\_00351/index.shtml](https://www.parlament.gv.at/PAKT/VHG/XXV/SA-EU/SA-EU_00001_00351/index.shtml) (last accessed 04.07.2018).

These rates prove that MPs from both committees are more engaged in EU activities and slightly less in local political functions. The percentage of MPs belonging to national unions is still high and indicates that the influence of the Austro-corporatist model is deeply anchored in MPs' career paths. No matter their committee membership, parallel memberships in professional chambers or trade union organisations remain a particularity of the Austrian system. It also means that these organisations might try to influence EU affairs through their affiliated EAC members. Contrary to the rest of the Parliament, links to local and regional parties seem to be less predominant. It could mean that EAC members are less dependent on local party affiliations and got detached from the domestic political game by focusing on EU affairs. Therefore, they might be less interested in re-election, because they maintain less contact with their local electorates. Finally, as EAC members tend to be more sensitised to EU issues and detached from national issues, they tend to seek positions on the EU level. They use their memberships in European associations or networks as informal and personal means to obtain direct information from the EU level. In that sense, they can rely on other sources of information than the sole government documents. Being detached from the national level might have transformed some EAC members into lone rangers pursuing supranational goals.

While only 11% of the total number of MPs had an experience in the Government (see previous part), the proportion is higher in the EU Main Committee (20%) and lower in the EU Sub-Committee (5%). As the EU Main Committee has considerable formal powers in EU affairs, MPs with previous government experience might be more attracted to EAC membership due to regular and privileged contacts with the Federal Chancellor and ministers (mostly the Foreign Affairs Minister). The EU-HA is the sole committee that can decide for the plenary and adopt binding mandates. Therefore, it has a good reputation within Parliament and might be attractive to former government members who wish to leave a political mark. EAC membership ensures former government members a prestigious position within the National Council and might give them more chances to be called back in government.

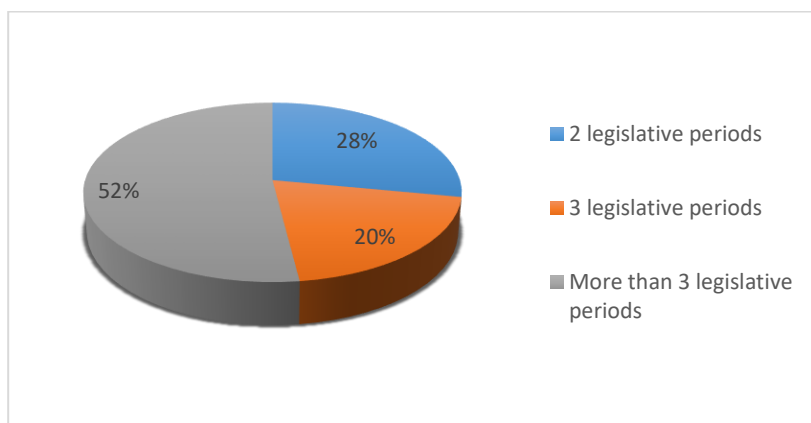
Interparliamentary conferences do not seem to attract EAC members' attention, as only 20% of EU Main Committee members and 21% of EU Sub-Committee members are participating in these formats<sup>255</sup>. One reason could be the tight parliament schedule that discourages MPs from leaving their national duties. Another reason could be the general perception that interparliamentary conferences do not contribute substantially to parliamentary work, as the National Council has already well-developed formal capacities. In the end, only a limited number of EAC members participate regularly in these conferences.

Finally, the proportion of EAC members with long-term mandates in Parliament turned out to be higher than the rest of MPs during the 2013-2017 period. Within the EU Main Committee, 52% of MPs exerted more than 3 consecutive mandates, as illustrated below.

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<sup>255</sup> Calculations on the basis of biographical data found on each committee's dedicated section on the National Council's website. See [https://www.parlament.gv.at/PAKT/VHG/XXV/A-HA/A-HA\\_00001\\_00344/MIT\\_00344.html](https://www.parlament.gv.at/PAKT/VHG/XXV/A-HA/A-HA_00001_00344/MIT_00344.html) and [https://www.parlament.gv.at/PAKT/VHG/XXV/SA-EU/SA-EU\\_00001\\_00351/MIT\\_00351.html](https://www.parlament.gv.at/PAKT/VHG/XXV/SA-EU/SA-EU_00001_00351/MIT_00351.html) (last accessed 04.07.2018).

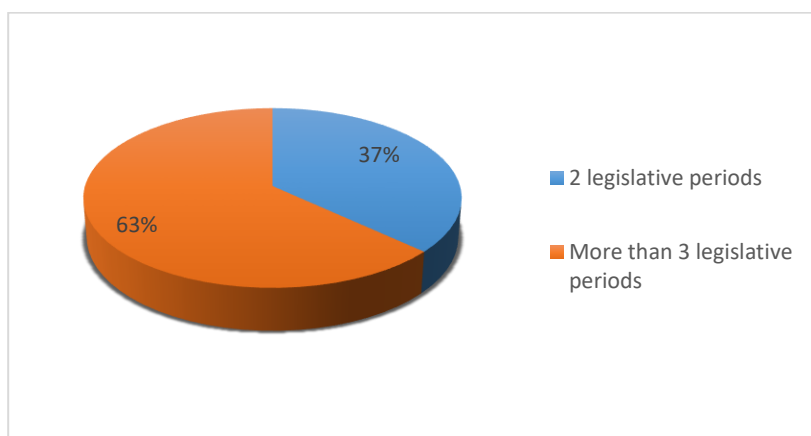
**Figure 41: Number of exerted parliamentary mandates per EU-HA member (in%), National Council, 2013-2017**



Source: Own calculations, [https://www.parlament.gv.at/PAKT/VHG/XXV/A-HA/A-HA\\_00001\\_00344/index.shtml](https://www.parlament.gv.at/PAKT/VHG/XXV/A-HA/A-HA_00001_00344/index.shtml) (last accessed 04.07.2018).

Within the EU Sub-Committee, the proportion is even higher, with 63% of members that kept their mandate for more than 3 legislative periods.

**Figure 42: Number of exerted parliamentary mandates per EU-UA member (in%), National Council, 2013-2017**



Source: Own calculations, [https://www.parlament.gv.at/PAKT/VHG/XXV/SA-EU/SA-EU\\_00001\\_00351/index.shtml](https://www.parlament.gv.at/PAKT/VHG/XXV/SA-EU/SA-EU_00001_00351/index.shtml) (last accessed 04.07.2018).

The seniority rate is thus particularly high within both committees, which could mean either that EU affairs necessitate a certain political experience, or that they do not attract newly elected MPs because of the low re-election prospects. EAC members are chosen according to their knowledge on parliamentary procedures and on EU affairs, which requires a certain level of seniority and experience linked to the EU. This high seniority rate also means that membership renewal in both committees is low and that the majority keeps the same MPs in place between legislative periods. Just as in the Luxembourg Chamber of Deputies, we observe that the proportion of former government members is higher in the EAC than in the rest of the Parliament. Therefore, the Government keeps its hands on the European decision-making process thanks to senior MPs from the majority with prior government experience.

### **Key players in the follow-up of EU treaties and intergovernmental treaties on the EMU**

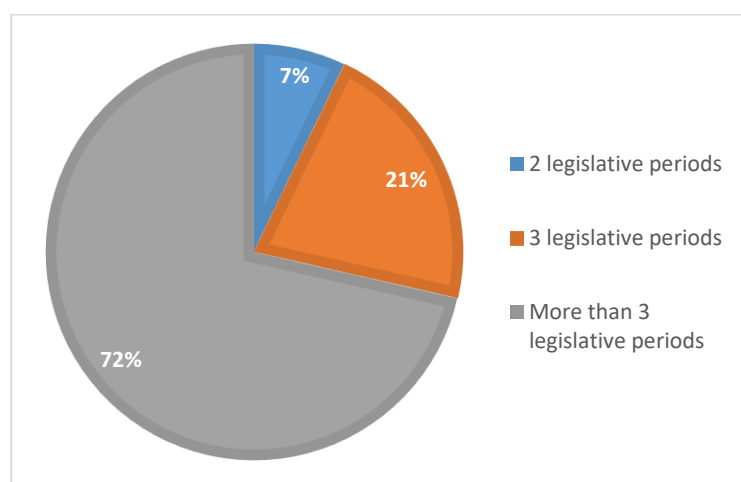
Interviewees identified as key players in the follow-up of EU and intergovernmental treaty negotiations have long political careers. Most MPs started their career on the local level, either in municipalities, unions, regional government bodies or their political party. The fact that MPs started with a local political career illustrates once again the importance of political affiliation as a condition to progress from a local career to an MP position. Moreover, it also means that these key players started their MP position with a higher sensitivity to local matters and were not automatically interested in EU affairs at the first place. Some MPs entered Parliament before Austria's accession to the EU. At that time, EU issues were not systematically on the Parliament's agenda. Even after the accession, MPs were progressively socialised into EU norms during the first years. Positions such as group or party president are common among interviewees. For instance, a former Secretary General of the ÖVP and current MP started his political career back in school by becoming the Federal school speaker (Interview 21a, 2017). Between 1993 and 2001, he was the Federal Chairman of the Young ÖVP. He entered Parliament in 1994 and became President of the ÖVP group between 2009 and 2014. A former Green MP and MEP was first politically involved on the regional level in the management of a networking project on the transport initiative in the Alpin area (Interview 1a, 2017). The former MP entered the Tirol regional parliament in 1989 for a five-year mandate before being elected in the National Council. Moreover, a former ÖVP MP started as Party chairman in his municipality in 1968 and became mayor in 1970 (Interview 18a, 2017). In 1992, he became district chairman of the ÖVP, before being elected in Parliament in 1994 until 2013 without interruption.

Most interviewees had an experience in both Parliament and Government, as either minister or state secretary. As explained before, former government members tend to bring knowledge from their experience into parliamentary work. Therefore, their ministerial experience might influence their activities in Parliament. For instance, the former President of the ÖVP parliamentary group until 2017 and current EU speaker of the ÖVP group was state secretary in the Foreign Affairs Ministry between 2007 and 2013 (Interview 12a, 2017). Another former ÖVP MP was Foreign Affairs Minister for five years, as well as Finance Minister and Federal Vice-Chancellor (Interview 4a, 2017). A former SPÖ MP, member of the delegation to the Convention on the Future of Europe, came in the executive in 1994 as state secretary in the Chancellery (Interview 17a, 2017). He became successively Federal Minister of the Interior and Federal Minister of Science and Transport. Moreover, a former Green MP was Minister for Environmental protection in the Tirol regional government (Interview 1a, 2017). In 1999-2000, she switched to the National Council and handled issues related to Tourism, Transport, Defence and EU. An SPÖ member of the Finance committee was state secretary in the Finance Ministry between his mandates in Parliament (Interview 13a, 2017). Finally, another former ÖVP MP was Vice-Chancellor of Austria, as well as Finance minister between his mandates in Parliament (Interview 2a, 2017). He started in 1990 in the National Council, and then switched back and forth between Government and Parliament between 1994 and 2011. We found that several key players, mostly from the majority, passed through the

Foreign Affairs Ministry, where they acquired the needed expertise to be accepted as EAC member. Some MPs switched regularly from Government to Parliament, which indicates that they probably returned to Parliament while waiting for future government positions. In the meantime, they might have had the opportunity for political profiling in the renowned EAC.

Overall, key players exert(ed) long-lasting parliamentary mandates, interrupted either by more or less long periods of executive functions (minister or state secretary), regional functions (Länder government or Federal Council) or European functions (MEP).

**Figure 43: Interviewees' average length of parliamentary mandates (in %), National Council**



Source: Own calculations based on interviews with MPs from the National Council.

A former ÖVP MP started for instance in the Federal Council, then came to the National Council, before being elected in the European Parliament (Interview 4a, 2017). A former Green MP was also elected in the EP for ten years, providing her with an extensive experience on the EU level (Interview 1a, 2017). Finally, an SPÖ MP became member of the CoR between 2009 and 2013 (Interview 13a, 2017). In light of key players' seniority in Parliament, we can conclude that they have highly professionalised careers compared to the rest of the MPs. Some of them followed previous EU treaties and followed the evolution of EU policies, the EU's institutional framework and parliament's procedures over time. Moreover, some MPs also gained expertise in EU affairs through their MEP functions. For them, the EAC might represent the continuity of their positions on the EU level. Therefore, they might appear as legitimised EU experts fitted for an EAC membership.

Within the National Council, we distinguished two categories of key players: EAC members regularly involved in EU affairs and sectoral committee members punctually involved in EU affairs depending on the topic on the agenda. The competence distribution between committees determines to a large extent MPs' involvement. Despite decentralisation efforts, the EACs are still the main arenas of debate on EU affairs. Key players were either full-time or part-time members of the EU Main Committee or EU Sub-Committee, member of the Foreign Affairs Committee, or to a lesser extent sectoral committee members directly concerned with EU issues. Some MPs benefitted from the re-registration procedure in the EAC and participated

in meetings whenever their expertise was needed on an EU policy. For instance, an ÖVP MP handled mostly the financial crisis as a member of the Finance Committee, but participated from time to time to deliberations in the EAC as a substitute member (Interview 18a, 2017). Moreover, just as other interviewees, the MP occupied key or leading positions in Parliament. The ÖVP MP was for instance Chair of the Budget Committee and the ESM Sub-Committee during the last legislative period 2013-2017 (Interview 15a, 2017). Two key players were presidents of their parliamentary group (Interview 2a and 12a, 2017). Another former ÖVP MP was Vice-President of the National Council (Interview 4a, 2017). Majority MPs tended to be committee chairs, which means that they probably controlled committee discussions according to their Government's positions. Both majority and opposition group presidents counted among the key players. As a group president's role is to transpose the group or party position in Parliament, we can imagine that they became particularly active whenever they needed to defend their party's line during treaty negotiations.

On top of these leadership positions, we observed that several key players were group spokespersons, for either Foreign or EU Affairs. Those involved in the follow-up of the financial crisis were mainly finance or budget speakers. Group spokespersons are usually expert MPs who represent the group's position in discussions on specific matters. In the case of the EU and intergovernmental treaties, group speakers became active to publicise their group's opinion dependent on the general party line. Therefore, just as group presidents, group speakers remain largely dependent on their group and party position. The fact that leadership positions played a significant role in MPs' involvement illustrates parties' will to keep a hand on the negotiation processes.

If we look at interviewees' political and professional experiences, we notice that most of them started their political career without having dealt directly with EU affairs. Most MPs have not dealt with EU affairs before arriving in Parliament or Government. Particularly MPs that entered Parliament before or during Austria's accession to the EU never handled EU affairs before their mandate. MPs dealt progressively with EU affairs, because the latter were not part of parliamentary work before 1995. Their interest for EU matters centred around economic issues at the beginning. MPs had first to adapt to European integration and incorporate new rules in their daily practices to handle EU affairs. Once in Parliament, the most active key players followed closely the membership negotiations, as well as the 2004 enlargement wave (Interview 2a, 17a, 19a, 2017). Their early involvement in EU affairs made them probably more sensitive to these issues. Through the interviews, we established an ideal-typical profile of a "Europeanised" MP involved in EU affairs, which resembles the profile outlined in the Luxembourg case. Austrian MPs actively involved in EU affairs and in the follow-up of treaty negotiations have extensive political experience, both in Government and Parliament, exert long-term mandates in Parliament, occupy important parliamentary functions (in committees or groups) and are mainly EAC members.

While key players' careers are deeply rooted in national bodies, their participation in interparliamentary conferences remains circumscribed. The most common attended formats are COSAC and Council of Europe meetings. For some interviewees, EU affairs became a personal commitment. For instance, a former Green MP and MEP became active in the Centre for European Policy Studies think tank after ending her mandate in the EP (Interview 1a, 2017).



However, these instances remain quite rare, as involvement in EU affairs turns out to be very limited as well.

Summing up the observations, we discovered that key players' profiles are very similar to those of Luxembourgish MPs, with the difference that political affiliation and ties to social partnership are much more significant. Political functions within Parliament show that MPs are highly dependent on their respective group or party line. In particular, majority MPs with leadership positions might be strictly tied to the Government's position. Overall, EU affairs seem to be limited to MPs with "Europeanised" profiles, usually senior MPs with important prior (or current) functions within Parliament and Government. Some of them became sensitised to EU issues through their active involvement in the country's accession to the EU. MPs who deal only punctually with EU affairs are members of parliamentary committees that receive on average more EU documents than other sectoral committees. For instance, some key players belong to the Finance and Budget committees, which shows that the salience of the financial crisis widened the attention among sectoral committees.

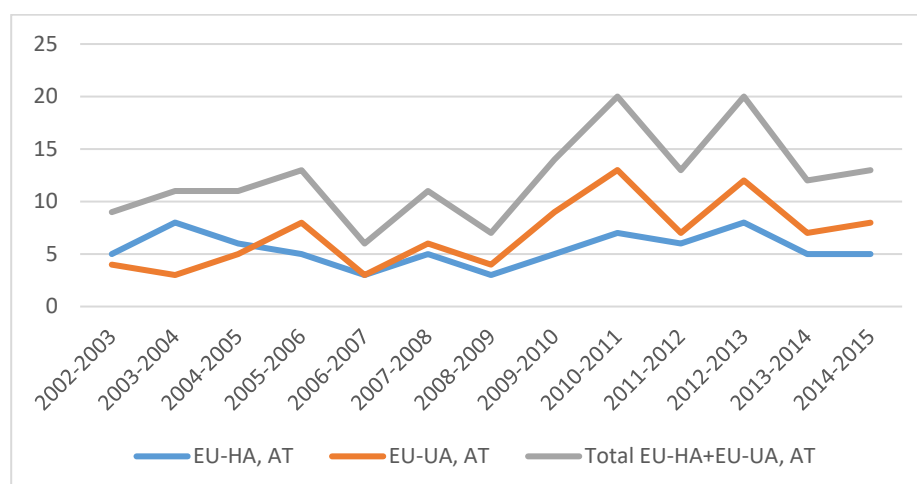
### *6.3.2 Parliamentarians' level of involvement in EU affairs*

After the analysis of key players' profiles, this section aims to explain the evolution of parliamentary activity in light of the sociological elements presented above. The first part will centre on general observable activity trends in the National Council in EU affairs. The second part will try to explain parliamentary activity through motivational lenses. Indeed, MPs' motivations to engage in EU affairs is highly dependent on their profile outlined in the previous section.

#### *6.3.2.1 General trends*

The Main Committee has a meeting dedicated to EU affairs approximately once per month and meets as the EU Main Committee. If we compare the number of meetings of the EU Main Committee with those of the EU Sub-Committee, we observe that the latter met more often between 2004 and 2015. The main reason may lie in the committees' competences, as the EU Main Committee deals with institutional matters that come more rarely on the agenda than everyday EU policies handled by the sub-committee. We also observed that activity fluctuates considerably over the period 2002-2015. One main explanation could be the legislative elections in 2006, 2008 and 2013, which led to a decrease of committee meetings and general parliamentary activity. During these periods, the majority of MPs tend to focus on domestic issues in their electoral campaign, in order to fit to their voters' interests and ensure their re-election in their constituency. We also observe that the number of committee meetings, even though fluctuant, grew after 2008-2009 in the wake of the Treaty of Lisbon, with a decrease in 2011-2012. The latter evolution could correspond to the negotiations on the European Stability Mechanism and the Fiscal Compact, which tended to be handled in the Finance committee.

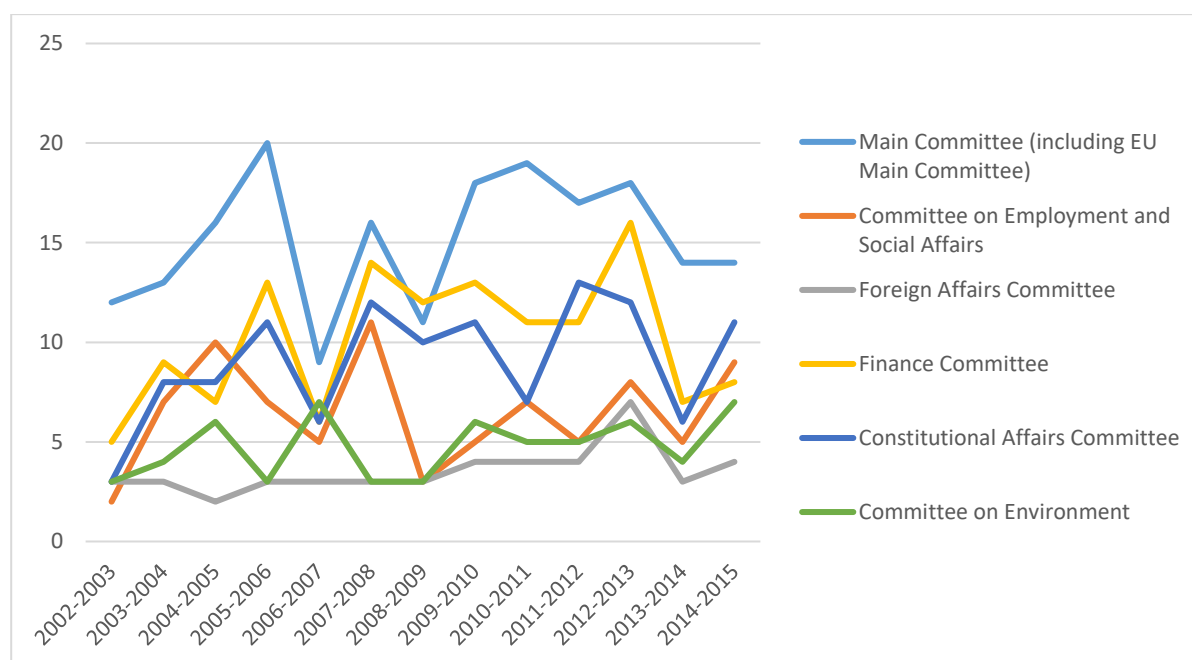
**Figure 44: Number of EAC meetings (in total), National Council, 2002-2015**



Source: Own calculations, based on parliamentary statistics on the National Council's website<sup>256</sup>.

EU Main Committee meetings are less numerous compared to the total number of meetings of the Main Committee. However, the latter meets more frequently than any other parliamentary committee<sup>257</sup>, as shown in the graph below.

**Figure 45: Comparative evolution of the number of committee meetings (in total), National Council, 2002-2015**



Source: Own calculations, based on parliamentary statistics on the National Council's website.

We notice again the same fluctuations around legislative elections. The Main Committee's highest number of meetings was in 2005-2006 with 20 meetings, while the lowest number was in 2006-2007 after the legislative elections, with only 9 meetings. Two potential

<sup>256</sup> See <https://www.parlament.gv.at/PAKT/AUS/> (last accessed 04.07.2018).

<sup>257</sup> For more visibility and clarity, we did not include all sectoral committees in the graph.

factors could explain this fluctuation, as stated earlier. Firstly, the increase of the number of committee meetings in 2005-2006 could originate from Austria's EU Presidency during the first semester of 2006. Indeed, the preparation and implementation of the Presidency would have requested more activities in Parliament. The Main Committee met twice or three times per month on average between October 2005 and July 2006, while usually meeting once or twice per month on average<sup>258</sup>. Moreover, EU affairs tended to be a major issue in the Main Committee over this period, even outside EU Main Committee meetings. Secondly, the drop of committee meetings in 2006-2007 could be explained by the legislative elections held on the 1<sup>st</sup> October 2006 and the start of a new legislative period. The elections during the second semester of 2006 led to the establishment of a new coalition between the SPÖ and the ÖVP, evicting the BZÖ from the Government after its split from the FPÖ in 2005. The start of a new legislative period meant that in practice, parliamentary work had to be reorganised, which led to less activities in committees during the first months of 2006. We can apply the same explanation to the drop of committee meetings in 2008-2009. Discrepancies between the coalition partners SPÖ and ÖVP led to early elections on 28<sup>th</sup> September 2008, leading to the start of a new legislative period. From that moment on, the number of committee meetings grew more steadily with slight downward variations.

Overall, the number of Main Committee meetings did not change substantially and remained stable over the period 2002-2015. The Finance committee seems to be the second most active body in Parliament, with increased meetings during the economic and financial crisis. The fluctuation of committee meetings showed a trend in parliamentary activity, but not which MPs were the most engaged. However, considering the high number of Main Committee meetings, we can assume that EAC members might have been the most active in EU affairs. Moreover, we have seen earlier that EAC members tended to be the most professionalised in Parliament. Therefore, we can assume at this stage that active members of the EU-Main Committee and the EU Sub-Committee were mostly senior MPs detached from re-election prospects.

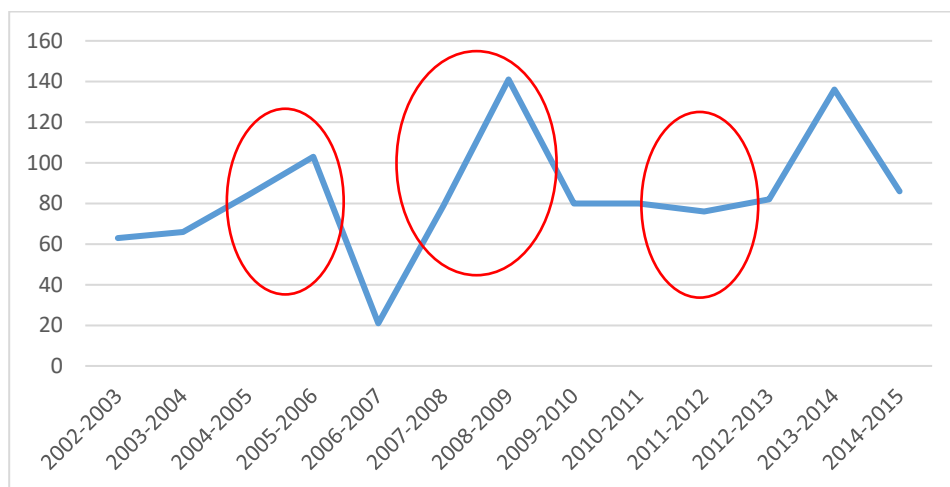
The assessment of used parliamentary instruments over the same period will help us understand which MPs from which political camp (majority or opposition) were the most active. Firstly, the evolution of parliamentary questions in EU affairs follows slightly the same trend as EAC meetings<sup>259</sup>.

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<sup>258</sup> See overview of meetings of the EU-HA: [https://www.parlament.gv.at/PAKT/VHG/XXII/A-HA/A-HA\\_00001\\_00081/index.shtml#tab-Sitzungsueberblick](https://www.parlament.gv.at/PAKT/VHG/XXII/A-HA/A-HA_00001_00081/index.shtml#tab-Sitzungsueberblick) (last accessed 17.01.2019)

<sup>259</sup> Parliamentary questions entail all types of questions to the government. Most are written questions.

**Figure 46: Parliamentary questions on EU affairs (asked, in total), National Council, 2002-2015**

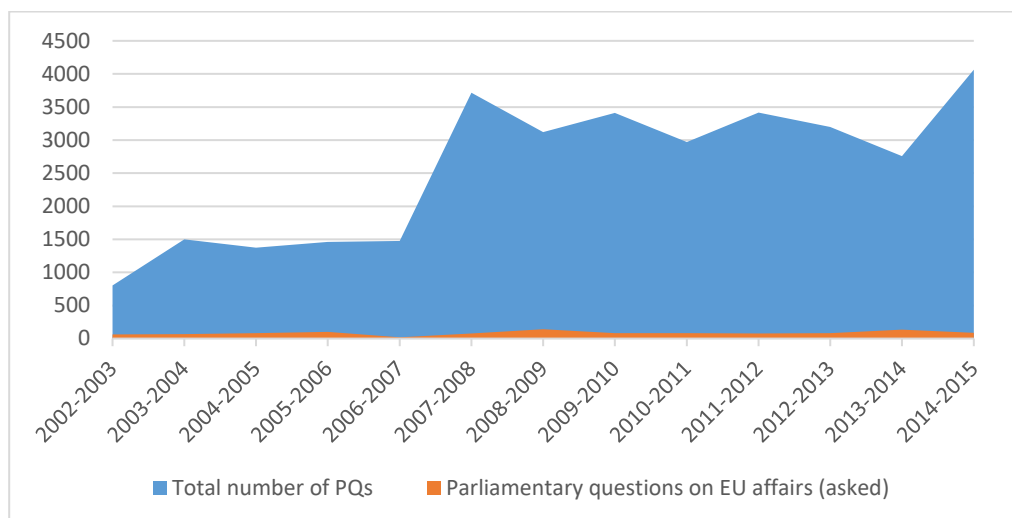


Source: Own calculations, <https://www.parlament.gv.at/PAKT/VHG/> (last accessed 04.07.2018).

Parliamentary activity dropped in 2006-2007 in the context of the legislative elections. We can observe peaks of activity during negotiations on the Lisbon Treaty between 2007 and 2009, and again in 2013-2014, probably either in the context of the European Semester or the migration crisis. However, during the increase of activity between 2007 and 2009, no direct correlation could be observed between the negotiation of the Lisbon Treaty and parliamentary questions on EU affairs. Indeed, the observation of the subjects of the asked questions show that most of them concern matters falling into the competence of sectoral committees. We can conclude that even though the majority of questions did not concern directly the Treaty of Lisbon, the negotiation context of the treaty on the EU level might have triggered MPs' attention on EU issues. Another explanation could be the drastic increase of received EU documents by the parliamentary administration, as shown in section 6.2.2, that led MPs to devote more time to EU matters in their parliamentary activity.

Overall, if we compare the proportion of EU-related questions to the total number of parliamentary questions, we observe the same situation as in the Luxembourg Chamber of Deputies. The proportion of questions on EU topics remains very limited.

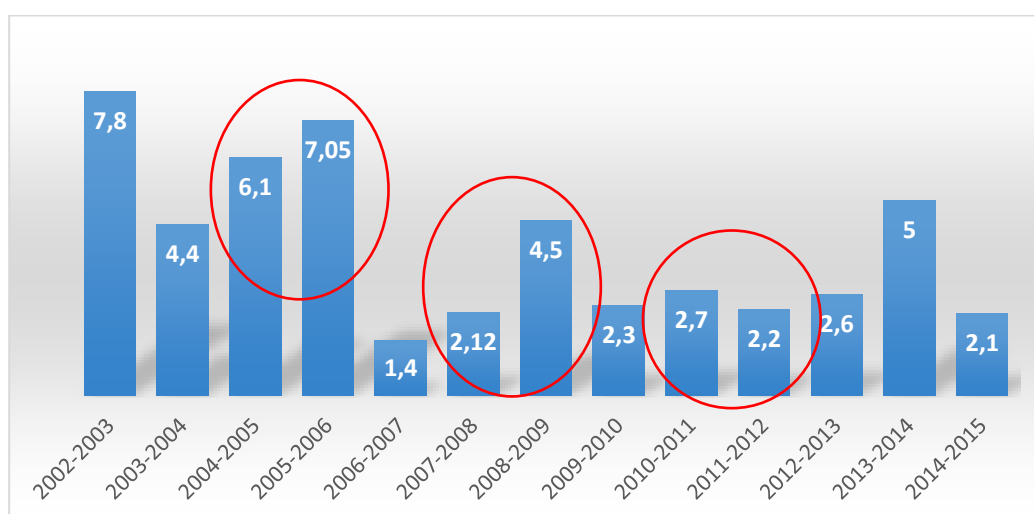
**Figure 47: Number of PQs on EU affairs compared to total number of PQs (in total), National Council, 2002-2015**



Source: Own calculations, <https://www.parlament.gv.at/PAKT/VHG/> (last accessed 04.07.2018).

Most activity is concentrated between 2002 and 2006, before dropping to its lowest in 2006-2007. The next graph illustrates the percentage of questions on EU affairs per legislative session.

**Figure 48: Percentage of PQs on EU affairs (asked), National Council, 2002-2015**



Source: Own calculations, <https://www.parlament.gv.at/PAKT/VHG/> (last accessed 04.07.2018).

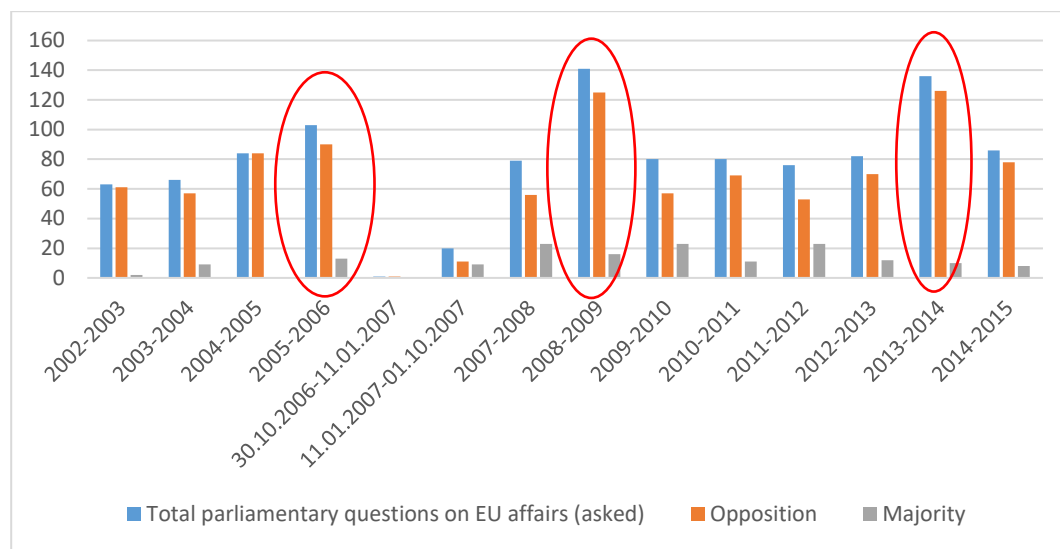
On average, between 2002 and 2015, only 3,9% of the total number of parliamentary questions were dedicated to EU matters<sup>260</sup>. The frequent use of parliamentary questions between 2002 and 2006 might be explained by the salience of EU topics, in particular in the context of the Convention on the Future of Europe, the Constitutional Treaty and Austria's EU Presidency. The drop in 2006-2007 illustrates again the legislative elections and MPs' priorities that shifted towards domestic issues. Even though the percentage of questions dropped after 2005-2006, it does not mean that the absolute number of questions dropped as well. Indeed, parliamentary

<sup>260</sup> Calculation of the average percentage of parliamentary questions between 2002 and 2015.

workload increased over the years, which means that both domestic and EU issues were handled more systematically.

Moreover, parliamentary questions on EU affairs give information on which MPs were the most active. For instance, the following graph shows the most active categories of MPs in EU affairs according to their position on the political scale, whether they belonged to the opposition or the majority.

**Figure 49: Number of PQs on EU affairs (asked, in total), opposition vs majority, National Council, 2002-2015**

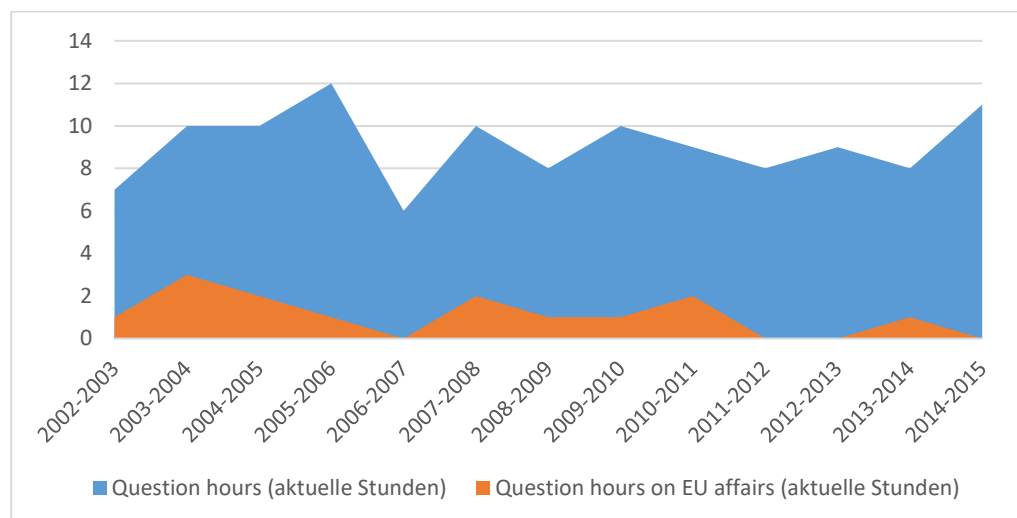


Source: Own calculations, <https://www.parlament.gv.at/PAKT/VHG/> (last accessed 04.07.2018).

In terms of nominal value, we observe that the number of questions on EU affairs was the highest in 2008-2009 and 2013-2014, corresponding respectively to the negotiation period on the Treaty of Lisbon and the European Semester. Over the whole period, opposition MPs asked the most questions. In the light of the variations observed, opposition MPs might have reacted more actively to issues affecting directly their priorities. The opposition's strategy is to criticise the Government's EU policy and to obtain information using parliamentary instruments. As opposition MPs have a more difficult access to information due to a lack of resources and personnel, they need to ask ministers directly. Moreover, they use parliamentary questions to publicise their opinions and their discontent. For instance, Eurosceptic opposition MPs were particularly active during the Treaty of Lisbon and the financial crisis, because they disagreed with the Government's policy and demanded that Austria's sovereignty remained preserved. Majority MPs abstained usually from using parliamentary scrutiny instruments, showing support to their Government's EU policy and maintaining a strong group discipline.

Question hours on EU affairs ("Aktuelle Stunden") were used punctually depending on the salience of agenda topics. On average, MPs did not use this instrument very frequently. Only the 2003-2004 session at the beginning of the negotiations on the Constitutional Treaty was the most active with 3 question hours on EU affairs.

**Figure 50: Proportion of question hours on EU affairs compared to total number of question hours (in total), National Council, 2002-2015**



Source: Own calculations, <https://www.parlament.gv.at/PAKT/VHG/> (last accessed 04.07.2018).

From 2009 onwards, the establishment of topical debates on EU issues did not trigger substantial change in parliamentary activity. Indeed, the number of topical debates per year remained low (between 2 debates in 2009 to maximum 4 debates in 2011-2012 and 2014-2015)<sup>261</sup>. Variations observed in the graph seem to be very similar to those observed for other parliamentary instruments. The fluctuation of the number of EU question hours corresponds each time to national elections (2006, 2008, 2013), but also to EU and intergovernmental treaty negotiations. During each treaty negotiation period, MPs used EU question hours to publicise their position and trigger voters' attention. On the Constitutional Treaty, majority MPs initiated the most question hours, whereas opposition MPs took the lead on the Lisbon Treaty and the economic crisis. Indeed, as polarisation and ideological tensions grew from the Lisbon Treaty onwards, opposition MPs tended to publicise even more their position to gain visibility and popular support.

Before the establishment of EU question hours, the National Council created "Europe days", where plenary debates were organised on EU topics. However, according to a civil servant from the parliamentary administration, parliamentary groups tended to use these "Europe days" to discuss domestic issues (Interview 6a, 2017). Therefore, EU question hours do not seem to encourage activity in EU affairs.

In sum, parliamentary activity in EU affairs was fluctuant and low over the period running from 2002 to 2015. Compared to the overall use of parliamentary instruments, EU topics do not seem to push MPs to use the scrutiny tools at their disposal. The irregular use of instruments might depend on the salience of European topics, priorities linked to national elections and the political constellation in Government and Parliament. Periods of stagnation are common between two peaks of activity. Without surprise, opposition MPs use more often

<sup>261</sup> See [https://www.parlament.gv.at/PAKT/PLENAR/index.shtml?FBEZ=FP\\_007&NRBRBV=NR&R\\_SISTEI=ST&S\\_TATT=ASEU&LISTE=Anzeigen&listeId=1071&SUCH=](https://www.parlament.gv.at/PAKT/PLENAR/index.shtml?FBEZ=FP_007&NRBRBV=NR&R_SISTEI=ST&S_TATT=ASEU&LISTE=Anzeigen&listeId=1071&SUCH=) (last accessed 04.07.2018).



the scrutiny tools to make their position visible and criticise the Government. The next section outlines the reasons behind the (non) involvement in EU affairs.

#### *6.3.2.2 Reasons for MPs' (non) involvement in EU affairs*

Domestic priorities and political strategies seem to be the main explanatory factors for the low parliamentary activity in EU affairs. Indeed, according to an opposition MP, there is a clear lack of discussion culture on EU affairs within parliamentary committees (Interview 14a, 2017). For instance, feedback from interparliamentary conferences in committees would be quasi non-existent (Interview 7a, 2017). Committee members would tend to rely mainly on the agenda of the ministries rather than on matters from the EU level or interparliamentary conferences. The Foreign Affairs Ministry and the Finance Ministry were both the main interlocutors in the case of the EU and intergovernmental treaties. As the National Council's scrutiny system in EU affairs is mainly based on government control, it might explain why MPs prioritised information from the Government. Feedback on EU affairs within the National Council might then depend highly on partisan logics and priorities of political groups. Indeed, opposition MPs do not have the same access to information and influence possibilities as majority MPs who benefit from informal contacts with ministries inside their group. Decision-making happens mainly in informal arenas, either at the pre-parliamentary stage or during group meetings before committee meetings. The lack of transparency on the side of the Government affects particularly opposition parties, but also parliamentary work in general.

Another interviewee argues that ex-ante debates in the EU Main Committee with the Federal Chancellor or the Foreign Affairs Minister do not bring any added value to parliamentary work, as the content of the declarations remain vague (Interview 14a, 2017). Moreover, group collaborators admit that several instruments are insufficiently used (Interview 3a, 5a, 2017). The main reason lies in MPs' feeling that they have no effective influence on the legislative decision-making process, no matter how often they use scrutiny tools. The Government or European Institutions keep control over the legislative process. For instance, notifications to the European Commission do not have a substantial effect on the EU level. The Parliament issues a letter notifying the European Commission; the latter answers it, but no noticeable consequences ensue from this instrument. Austria pushed the creation of the notification procedure, because majority MPs wanted to find a softer alternative to the controversial binding mandates (Interview 5a, 2017). According to an FPÖ MP committee statements remain deliberately vague to give negotiation leeway to the Federal Chancellor or ministers (Interview 11a, 2017). Deadlines for the subsidiarity monitoring procedure turn out to be too tight and require expertise that is absent in the Parliamentary Directorate due to insufficient personnel specialised in EU affairs (Interview 3a, 2017).

Further limitations are the infrequent committee meetings, MPs' multiple committee memberships and their tight schedule, as well as the limited specialisation of committees highly dependent on ministry agendas. Depending on the selection of EU documents made by the parliamentary administration, sectoral committees will be involved differently. The



committees' workload increased because EU matters became more and more interwoven with domestic issues. Especially the budget and finance committees are increasingly dealing with EU affairs. Even though most interviewees declared that EU affairs became a matter of fact within Parliament, due to their transcending nature (Interview 1a, 8a, 9a and 18a, 2017), most agree that they remain specialised and complex (Interview 1a, 2a and 18a, 2017). EU affairs require specific knowledge on EU policies, EU institutions and the functioning of the EU legislative process. The EU legislative process became slower and multifaceted, because it includes more and more stakeholders. According to an interviewee, the long decision-making process on the EU level causes disinterest from MPs' side (Interview 3a, 2017). Between the moment the EP discusses a proposal and the moment it is transferred to national parliaments, up to two years can pass. MPs cannot follow all matters for such a long time and tend to forget about them. According to a Green MP, finance matters became increasingly complex, technical and diversified due to evolutions on the EU level (Interview 15a, 2017). In order to cope with EU issues, an MP would thus need technical competences, good networking skills and patience, which might discourage most newly elected MPs.

Another factor that might explain low parliamentary activity in EU affairs is the lack of awareness about these matters. The EACs tend to monopolise the scrutiny of EU affairs, which limits awareness and interest among sectoral committee members that become active only whenever their competences are needed. This lack of awareness about the role they could play tends to empower the Government and the central administration (Interview 2a, 2017). In addition, awareness is not always synonym of higher interest for EU policies. For instance, even within the ÖVP considered as the "European Party", the interest, willingness and enthusiasm to deal with these matters tend to be very limited (Interview 2a, 2017). Awareness and involvement are circumscribed to specific policy fields. Indeed, some MPs are more aware of EU issues because they fall directly into their field of competences. Political positions linked to EU affairs were not always popular among MPs. According to a former SPÖ MP, the position of EU speaker was not well renowned within the group a few years ago (Interview 17a, 2017). Due to internal party competition, the MP got the position to disqualify him from the competition for the party's presidency. A majority of MPs are rather interested in the mediatisation of their work for re-election purposes. In that sense, EU affairs do not draw voters' attention and MPs might be inclined to instrumentalise EU affairs to discuss domestic matters. According to an interviewee, discussions in plenary tend to switch quickly to domestic matters, even though EU affairs were on the agenda (Interview 7a, 2017). In practice, EU issues often tend to serve as a façade to debate domestic matters by referring to EU documents (Interview 19a, 2017). According to a former BZÖ MP, EU affairs are also used on the national level to justify unpopular measures (Interview 19a, 2017). In that case, MPs use the EU as a scapegoat to disengage themselves from a politically risky situation.

Overall, EU affairs are neither relevant nor "sexy" for most MPs. According to a study conducted in 2002, only one third of MPs were particularly active in EU affairs within the National Council (Neisser, In: Neisser/Puntscher Riekmann, 2002). They are still reserved to a "dedicated minority" in Parliament (Interview 2a, 2017). This minority has a deep-rooted interest in EU politics, because of its personal experience, personal interests and political functions within Parliament or party/group. MPs have different reasons to get involved in EU

affairs. For some, their extensive political experience in Parliament and their important positions as group chairperson and/or speaker for Foreign or EU affairs justify their involvement. Majority MPs have privileged links to government members and can get access to information more easily thanks to their position in Parliament. For others, personal interests determine their engagement in EU affairs. For instance, the position of Committee Chair gives advantages in terms of information access. Minority MPs particularly active in EU affairs argue that their involvement allows them to express their opinion and mediatise their position. Group presidents and EU speakers remain the most active players identified through the interviews. They belong typically to the category of “Europeanised” MPs. For instance, a former ÖVP MP was Foreign Affairs speaker and had to maintain regular contacts with his colleagues on the national and European levels, especially during the negotiations on the Constitutional Treaty (Interview 4a, 2017).

Apart from the “Europeanised” and predisposed MPs, a group of MPs deals with EU affairs only whenever their interest or field of competence is required or concerned. For instance, an MP became substitute member of the EU Sub-Committee because her expertise on budget and finance related topics was needed (Interview 18a, 2017). In that case, they become active following a request from their group to participate in the EAC. Within the Finance Committee, MPs become active whenever their affiliated minister receives the European Commission programme, or whenever the committee receives the ESM reports four times per year accompanied by a report from the Finance Ministry. Punctually, whenever a topic comes on the agenda, MPs from sectoral committees deal with EU affairs. Opposition MPs become active whenever a topic becomes salient and represents an opportunity to leave a political mark. MPs who are not involved in EU affairs are usually recently elected MPs overwhelmed by their parliamentary schedule. Those starting their mandate have first to adapt to the parliamentary culture and the working methods.

All in all, interest and involvement in EU affairs depend mainly on MPs’ personal aspirations and political functions. Some MPs have the obligation to deal with EU matters due to their political functions (group chair, committee chair, spokesperson etc), even if they are not interested in the matters. Their reputation and their influence level are at stake, especially if they have to deal with salient matters that affect the interests of their group or party. Interest in EU affairs would also be generation-dependent (Interview 3a, 2017). Younger Austrian MPs tend to be more sensitive and interested than older MPs, because they arrived in Parliament after Austria’s accession to the EU.

### *6.3.3 Discussion and conclusions*

We saw in this part that strong formal scrutiny capacities do not systematically mean effective parliamentary activity. Indeed, EU scrutiny in the National Council remains insufficiently implemented in practice, despite the various instruments anchored in the Federal Constitution and the internal RoP. This confirms arguments in Europeanisation research according to which the Austrian Parliament can be qualified as a “medium-strong” player and ranked among the “strong or moderate parliaments” (Kiiver, 2006). Information access does

not seem to be an issue, but the informality of certain stages in the decision-making process and the high number of received EU documents might constitute challenges to both majority and opposition MPs. The lack of analytical and legislative competences within the “EU relations” department disadvantages the lower chamber.

Parliamentary activity depends not only on formal capacities, even though highly determined by it, but also on how MPs use these capacities. According to a Green MP, efforts have to be made from the Parliament and Government side, be it in terms of legal reforms or initiatives to increase parliamentary activity (Interview 15a, 2017). Parliament as a whole tends to be too passive when it comes to the scrutiny of EU affairs through a clear lack of parliamentary discussion culture on EU politics, as well as a lacking willingness to change working habits or formal procedures. Awareness among MPs, combined with an effective use of scrutiny instruments, would ensure a stronger participation in EU affairs.

In this part, we outlined first assumptions about the impact of socio-demographic and institutional factors on MPs’ parliamentary activity in EU affairs. We can draw some preliminary conclusions on the evolution of parliamentary involvement. Firstly, external events such as negotiations of EU treaties or national legislative elections seemed to affect significantly parliamentary engagement in EU affairs. The use of parliamentary instruments showed clear variations that corresponded to either European or national events. Secondly, MPs’ socio-demographic characteristics might also affect the way they handle EU affairs. In the light of section 6.3.1, we assume that the most active MPs exerted long-term mandates in Parliament, had a previous experience in the Government and had previous professional or political experience linked to EU affairs. Local party affiliation and ties to national unions tended to be loser for EAC members compared to sectoral committee members. It might indicate that EAC members are more independent from domestic pressures because less tied to local or national interest groups. Moreover, whether MPs belong to the opposition or the majority might also impact their activity. Opposition MPs might become particularly active whenever a topic can provide them with the needed publicity on the domestic level, for instance during the economic and financial crisis. On the contrary, majority MPs tend to support the coalition and do not use parliamentary instruments to control the Government.

Observations from the first section led us to the conclusion that EU affairs tend to be the prerogative of MPs with “Europeanised” profiles. Thus, we can confirm sub-hypothesis H2.1. We will see that some of them can be also considered as “political entrepreneurs” of change in the wake of EU and intergovernmental treaty negotiations. MPs with prior experiences and political functions within Parliament linked to EU affairs, mostly EAC members, tend to be more sensitised to and active in EU politics. In the end, we cannot observe clear mainstreaming patterns within the National Council, even though institutional efforts have been made to push sectoral committees to include EU issues in their work.

The next parts focus on the interrelation between MPs’ motivations and their institutional environment to explain their involvement in EU affairs in the wake of EU and intergovernmental treaties.

## 6.4 Evolution of parliamentary involvement in the context of negotiations on the Treaty establishing a Constitution for Europe (2002-2006)

The presentation of MPs' institutional framework and motivations gave us a broad picture of the opportunities and constraints weighing on parliamentary involvement in EU affairs. The present section aims to explain how these factors influenced the way parliamentarians scrutinised the Treaty establishing a Constitution for Europe. The first part focuses on the general political context and the effective parliamentary activity during this period. We argue that involvement depended on MPs' ideological positions (H1.1), their position on the political spectrum (H1.2) and the level of polarisation and competition between the parties (H1.3). Moreover, we will check to what extent we observe mainstreaming trends in Parliament (H2). The second part analyses institutional change within the National Council. Higher salience of EU affairs in the context of the Constitutional Treaty might have led to revisions of the lower chamber's participation rights (H3).

### *6.4.1 Parliamentary involvement in the framework of the negotiations on the Constitutional Treaty*

#### **General context**

The political context between 2002 and 2006 was particularly stormy in Austria. The political constellation changed in 1999 when the FPÖ gained the same percentage of voices than the ÖVP. Both parties decided to form a coalition. The SPÖ landed in the opposition for the first time in history<sup>262</sup>. During the first legislative period 1999-2002, tensions between the ÖVP-FPÖ coalition and the SPÖ were high, because the latter refused to cooperate with the FPÖ and formed a strong alliance with the Greens (Fallend, 2003). In 2002, the FPÖ imploded, which led to new elections. The ÖVP decided to renew the coalition experience with the FPÖ. The SPÖ loosened its non-cooperation strategy during the second term, irritating the Greens who considered this sudden change of strategy as a betrayal and weakening of the opposition's unified front. The Greens adopted an even more sceptical stance towards the ÖVP-FPÖ coalition and started to reject any coalition possibility between the SPÖ and the ÖVP in the near future. On top of the divided political landscape, tensions grew also stronger inside the FPÖ. The then President of the region Kärnten and FPÖ leader Jörg Haider harshly criticised the radicalisation of some FPÖ members from the right-wing camp, among others Heinz-Christian Strache. Contrary to Jörg Haider who supported European integration, Heinz-Christian Strache defended an Eurosceptic stance. Moreover, Jörg Haider also criticised the policy of its coalition partner, the ÖVP. After several electoral defeats in Austrian regions and internal conflicts about the party's ideological orientation, Jörg Haider decided to leave the party in 2005. Several high-ranking FPÖ ministers and members followed him out and found a new party, the BZÖ, which replaced the FPÖ in Government until the next legislative elections in 2006, where the SPÖ came back to power. Heinz-Christian Strache was nominated as the new leader of the FPÖ and

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<sup>262</sup> With the exception of 1966.

started a new strategy to become a powerful party opposing the coalition. The FPÖ's EU position became overtly critical from 2005 onwards.

**Table 14: Legislative elections in Austria, 1999-2006**

Year of election	Political parties					
	GRÜNE	SPÖ	ÖVP	FPÖ	BZÖ	NEOS STRONACH
1999	7.4	33.2	26.9	26.9		
2002	9.5	36.5	42.3	10		
2006	11.1	35.3	34.3	11	4.1	

Note: Percentage of votes per party during legislative elections

Source: Franz Fallend & Reinhard Heinisch (2016) Collaboration as successful strategy against right-wing populism? The case of the centre-right coalition in Austria, 2000–2007, *Democratization*, 23:2, 326; European Election Database, NSD

[http://eed.nsd.uib.no/webview/index.jsp?study=http://129.177.90.166:80/obj/fStudy/FIPA2003\\_Display&node=0&mode=cube&v=2&cube=http://129.177.90.166:80/obj/fCube/FIPA2003\\_Display\\_C1&top=yes](http://eed.nsd.uib.no/webview/index.jsp?study=http://129.177.90.166:80/obj/fStudy/FIPA2003_Display&node=0&mode=cube&v=2&cube=http://129.177.90.166:80/obj/fCube/FIPA2003_Display_C1&top=yes) (last accessed 04.07.2018).

Additionally to the political tensions between and inside the parties, European events marked national debates. In June 2004, European elections were organised. Moreover, Austria held the EU Presidency during the first semester of 2006. The EU did not seem to trigger enthusiasm on the population's side. While in November 2002, 46% of the population thought that the EU membership was a positive thing for Austria, only 35% thought so in October 2003<sup>263</sup>, 46% in October 2004<sup>264</sup> and 32% in October 2005<sup>265</sup>. In October 2004, 34% of the population thought that the EU had a positive image<sup>266</sup>, compared to 24% in October 2005<sup>267</sup> and 32% in March 2006<sup>268</sup>. Overall, the public opinion supported the Constitutional Treaty. In 2004, 78% of the population supported the adoption of the Constitution by Austria<sup>269</sup>. Both internal and external constraints on Austrian politics might have increased party competition and polarisation. However, we will see that political conflicts tended to focus on domestic issues to please the electorate.

The examination of the Treaty establishing a Constitution for Europe in Austria started in September 2003 when the Government Council approved Austria's position on 23<sup>rd</sup>

<sup>263</sup> October 2003, Standard Eurobarometer 60,

<http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/STANDARD/yearFrom/2003/yearTo/2006/surveyKy/397> (last accessed 04.07.2018).

<sup>264</sup> October 2004, Standard Eurobarometer 62,

<http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/STANDARD/yearFrom/2003/yearTo/2006/surveyKy/455> (last accessed 04.07.2018).

<sup>265</sup> October 2005, Standard Eurobarometer 64,

<http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/STANDARD/yearFrom/2003/yearTo/2006/surveyKy/833> (last accessed 04.07.2018).

<sup>266</sup> See October 2004, Standard Eurobarometer 62.

<sup>267</sup> See October 2005, Standard Eurobarometer 64.

<sup>268</sup> March 2006, Standard Eurobarometer 65,

<http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/STANDARD/yearFrom/2003/yearTo/2006/surveyKy/583> (last accessed 04.07.2018).

<sup>269</sup> July 2004, Eurobarometer, La future Constitution Européenne (Vague 2),

<http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/yearFrom/1974/yearTo/2004/surveyKy/395> (last accessed 04.07.2018).

September 2003 with a view to the upcoming IGC negotiations. The approved position and the guidelines on the IGC preparation entered the EU Main Committee on 30<sup>th</sup> September 2003<sup>270</sup>. Majority MPs welcomed the Government's position and agreed to proceed accordingly, requesting information about developments and negotiations results in the IGC. The EU Main Committee met several times at the end of 2003 and beginning of 2004 to discuss further evolutions related to the Constitutional Treaty. It met in October<sup>271</sup>, November<sup>272</sup> and December 2003<sup>273</sup>, as well as in March 2004<sup>274</sup>. On 15<sup>th</sup> June 2004, the EU Main Committee decided to establish a so-called "Firefighting committee" to follow closely the IGC talks<sup>275</sup>. Discussions continued on 11<sup>th</sup> August<sup>276</sup>, 18<sup>th</sup> October<sup>277</sup> and 03<sup>rd</sup> November 2004<sup>278</sup>. On 22<sup>nd</sup> November 2004, the Government started a pre-parliamentary procedure and transferred to the National Council a constitutional law setting the conditions for the ratification of the Treaty establishing a Constitution for Europe<sup>279</sup>. The constitutional law set the conditions for the treaty ratification. The latter would be valid only with a two-thirds majority vote in the National Council. The government bill requested from Parliament and stakeholders that they give their opinion on the constitutional law until 04<sup>th</sup> January 2005. The official version of the constitutional law with amendments made in the pre-parliamentary arena entered the National Council on 20<sup>th</sup> January 2005. On 17<sup>th</sup> February 2005, the Constitutional Affairs Committee produced a report on the constitutional law, requesting its approval by the National Council<sup>280</sup>. The latter approved the constitutional law on 02<sup>nd</sup> March 2005, stipulating that both chambers' approval was obligatory for the ratification of the Constitutional treaty.

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<sup>270</sup> 30.09.2003: Vorbereitung der EU-Regierungskonferenz 2003, CONV 850/03 , Entwurf eines Vertrags über eine Verfassung für Europa (15428/EU XXII.GP) und Regierungskonferenz 2003 , Österreichische Grundsatzposition (15427/EU XXII.GP), IV-4 der Beilagen zu den Stenographischen Protokollen des Nationalrates XXII. GP

<sup>271</sup> 14.10.2003: TOP 1 Vorbereitung des Europäischen Rates in Brüssel , RAT 12940/03 Europäischer Rat am 16./17. Oktober 2003 – Erläuterter Tagesordnungsentwurf (15790/EU XXII.GP) , IV-5 der Beilagen zu den Stenographischen Protokollen des Nationalrates XXII. GP

<sup>272</sup> 25.11.2003: CONV 850/03 , Entwurf eines Vertrags über eine Verfassung für Europa (15428/EU XXII. GP), IV-6 der Beilagen zu den Stenographischen Protokollen des Nationalrates XXII. GP

<sup>273</sup> 09.12.2003: TOP 1 14450/03 , Europäischer Rat am 12./13. Dezember 2003, Erläuterter Tagesordnungsentwurf (19107/EU XXII.GP), IV-8 der Beilagen zu den Stenographischen Protokollen des Nationalrates XXII. GP, TOP 2: CIG 4/03 , Regierungskonferenz 2003 , Redaktionelle und juristische Anmerkungen zu dem Entwurf eines Vertrages über eine Verfassung für Europa (20176/EU XXII.GP)

<sup>274</sup> 17.03.2004: TOP 2: Vorbereitung der Tagung des Europäischen Rates im Frühjahr 2004 – Österreichisches Positionspapier (25991/EU XXII.GP), IV-9 der Beilagen zu den Stenographischen Protokollen des Nationalrates XXII. GP

<sup>275</sup> 15.06.2004: TOP1: RAT 9974/04, Europäischer Rat am 17./18. Juni 2004 - Erläuterter Tagesordnungsentwurf (30977/EU XXII.GP), IV-10 der Beilagen zu den Stenographischen Protokollen des Nationalrates XXII. GP

<sup>276</sup> 11.08.2004; IV-11 der Beilagen zu den Stenographischen Protokollen des Nationalrates XXII. GP

<sup>277</sup> 18.10.2004: IV-12 der Beilagen zu den Stenographischen Protokollen des Nationalrates XXII. GP

<sup>278</sup> 03.11.2004: TOP 1 RAT 13239/04 , Europäischer Rat am 4./5. November 2004 – Erläuterter Tagesordnungsentwurf (38697/EU XXII.GP), IV-13 der Beilagen zu den Stenographischen Protokollen des Nationalrates XXII. GP

<sup>279</sup> Bundesverfassungsgesetz über den Abschluss des Vertrages über eine Verfassung für Europa (789 d.B.), [https://www.parlament.gv.at/PAKT/VHG/XXII/ME/ME\\_00232/fname\\_030845.pdf](https://www.parlament.gv.at/PAKT/VHG/XXII/ME/ME_00232/fname_030845.pdf) (last accessed 04.07.2018).

<sup>280</sup> Bericht des Verfassungsausschusses über die Regierungsvorlage (789 der Beilagen): Bundesverfassungsgesetz über den Abschluss des Vertrages über eine Verfassung für Europa, 820 der Beilagen zu den Stenographischen Protokollen des Nationalrates XXII. GP, [https://www.parlament.gv.at/PAKT/VHG/XXII/I/00820/fname\\_035517.pdf](https://www.parlament.gv.at/PAKT/VHG/XXII/I/00820/fname_035517.pdf) (last accessed 04.07.2018).



The Federal Council received the law on 04<sup>th</sup> March and approved it on 17<sup>th</sup> March 2005. Consequently, the Treaty establishing a Constitution for Europe entered the National Council on 01<sup>st</sup> April 2005 for ratification. The Constitutional Affairs Committee drafted a report on the treaty on 28<sup>th</sup> April 2005, recommending its ratification<sup>281</sup>. The report was adopted unanimously and put on the agenda of the plenary session on 11<sup>th</sup> May 2005. On that date, the National Council ratified the Treaty establishing a Constitution for Europe almost unanimously. One FPÖ MP voted against it. In general, consensus on the EU treaty was widespread, even among opposition parties. The treaty was then submitted for vote to the Federal Council on 17<sup>th</sup> May 2005. The Committee on Constitution and Federalism drafted a report on the treaty on 23<sup>rd</sup> May 2005. The upper chamber finally ratified it on 25<sup>th</sup> May 2005.

Overall, political parties welcomed the Constitutional Treaty. However, positions started to diverge in 2005 between majority and opposition, as well as within the ÖVP-FPÖ coalition. Among others, salient topics during negotiations on the treaty were Austria's sovereignty, its right to dispose on its water resources, the protection against GMOs, Alpine transit, the anchoring of fundamental rights in the treaty, the subsidiarity principle and institutional questions such as the size of the European Commission or transparency in the Council. The Constitutional Treaty was seen in Austria as a historical step for the EU bringing it closer to the citizens, increasing transparency and democracy, improving the social dimension and strengthening parliaments' participation rights<sup>282</sup>. The most controversial issue turned out to be the organisation of a referendum on the Constitutional treaty. In 2004, all parties agreed on the need to organise an EU-wide referendum. Even though in different political camps, the SPÖ and the ÖVP both suggested organising a consultative referendum<sup>283</sup>. The Greens and the FPÖ backed the proposal. An explanation for the consensual atmosphere between the parties might have been the 2004 European elections that probably encouraged parties to instrumentalise the issue of the Constitutional treaty for their campaign. However, the referendum idea became soon unrealistic, as some Member States decided to organise national referenda. The ÖVP Chancellor and the FPÖ leader regretted that such a referendum would never see the light<sup>284</sup>. In the course of 2005, the FPÖ became more insistent on the need to organise a referendum. Internal divisions led to the split of the FPÖ in early 2005 and the creation of the new coalition partner BZÖ. The ÖVP continued first to cooperate with both the FPÖ and the BZÖ, until the former left definitely the Government in 2005. From that moment on, the FPÖ kept insisting on the referendum issue. Within the party, some MPs favoured an EU-wide referendum, while some others insisted on organising a national referendum. During the plenary debates in May 2005, the FPÖ differentiated itself from the other parties by sticking

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<sup>281</sup> 28.04.2005, Bericht des Verfassungsausschusses über die Regierungsvorlage (851 d.B.): Vertrag über eine Verfassung für Europa samt Protokolle, Anhänge und Schlussakte, [https://www.parlament.gv.at/PAKT/VHG/XXII/I/1\\_00919/fname\\_039668.pdf](https://www.parlament.gv.at/PAKT/VHG/XXII/I/1_00919/fname_039668.pdf) (last accessed 04.07.2018).

<sup>282</sup> See 11.05.2005, Parlamentskorrespondenz N°366, Österreichisches Parlament ratifiziert EU-Verfassung – Verfassungsvertrag mit einer Gegenstimme angenommen; 109. Sitzung des Nationalrates der Republik Österreich, Stenographisches Protokoll, XXII. Gesetzgebungsperiode, 11.05.2005, TOP1 Bericht des Verfassungsausschusses über die Regierungsvorlage (851 d. B.): Vertrag über eine Verfassung für Europa samt Protokolle, Anhänge und Schluss-akte (919 d.B.).

<sup>283</sup> 13.05.2004, « SP und VP für europäische Volksbefragung », Der Standard.

<sup>284</sup> 03.03.2005. « Weg frei für EU-Verfassung », Die Presse.

to the plan of a national referendum, while the SPÖ, ÖVP, Greens and BZÖ were in favour of an EU-wide referendum.

This issue started to polarise significantly the debates after the ratification of the treaty. At the beginning of 2006, not only did the evicted FPÖ start a populist campaign against the EU by requesting the organisation of a national referendum, but also the SPÖ distanced itself from pro-European positions<sup>285</sup>. The latter used anti-EU arguments to attract frustrated voters<sup>286</sup>. The main reason for this ideological turnaround might have been the legislative elections in October 2006 and the preparation of both parties to use critical and nationalist arguments to gain votes<sup>287</sup>. The SPÖ and the FPÖ expressed increasing dissatisfaction with the EU policy of the ÖVP-BZÖ Government. The FPÖ's critical campaign against the Government's EU policy translated into the organisation of an anti-EU referendum "Austria, remain free!" ("Österreich bleib frei!") in Spring 2006. The referendum aimed to support Austria's neutrality principle, to reject the Constitutional Treaty as enhancing centralisation tendencies in the EU and to stop accession negotiations with Turkey<sup>288</sup>. The FPÖ changed its position on the Constitutional Treaty and rejected it by arguing that it would favour social abuse and curtail national sovereignty. The FPÖ stroke a new populist path after its eviction from the coalition and its internal split. With its new EU-critical strategy, the party aimed to position itself during Austria's EU Presidency in the first semester of 2006 and to win the elections at the end of the year. In January 2006, the then FPÖ leader announced that the referendum would serve to disturb the Government's "arrogance" and "EU fanaticism"<sup>289</sup>.

On top of the growing polarisation between EU-sceptical and pro-European parties, ideological conflicts arose within the ÖVP-BZÖ coalition on the future of the Constitutional Treaty. At the beginning of Austria's EU Presidency, both coalition partners had diverging point of views. While the BZÖ requested negotiations on a new treaty, the ÖVP stuck to the previous version of the text<sup>290</sup>. The SPÖ mocked the Chancellor's incapacity to lead the Government and to preserve consensus within the coalition. Political disagreements affected Austria's EU Presidency.

To summarise, party politics seemed to play a crucial role in the support of the Constitutional Treaty. While polarisation was limited until the ratification of the treaty, the implosion of the FPÖ, its eviction from the Government and the upcoming national elections pushed the party to adopt an EU-critical position. The SPÖ followed the same critical strategy towards the coalition's EU policy. Contrary to the FPÖ, the strategy was probably to express its discontent with the ÖVP's choice to govern with a populist party. Party political strategies were also visible in Parliament. For instance, during a meeting of the EU Main committee in June 2005, the SPÖ submitted a request for opinion asking the Government to support the

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<sup>285</sup> 02.01.2006, „SPÖ auf Distanz zu Europa“, Der Standard.

<sup>286</sup> 03.01.2006, „Antieuropäische Gefühle“, Der Standard.

<sup>287</sup> 02.01.2006, « Schwerer Start in die Präsidentschaft », Die Presse.

<sup>288</sup> 10.01.2006, « Blauer Angriff auf Schüssels Europa », Der Standard; 10.01.2006, „Volksbegehren gegen Schüssel“, Der Standard.

<sup>289</sup> 10.01.2006, « FPÖ gegen « EU-fanatiches Hochamt », Der Standard.

<sup>290</sup> 11.01.2006. « Streit um EU-Verfassung : BZÖ beharrt auf Neustart », Der Standard.



establishment of a new Convention and to organise an IGC to examine the question of an EU-wide referendum<sup>291</sup>. The request was rejected by the coalition and the Greens, despite both being in favour of such a referendum. The rejection through the coalition can be explained by majority-opposition dynamics. The Greens' rejection can be explained by their disappointment towards the SPÖ when the latter decided to loosen up its non-cooperation policy towards the FPÖ. Ironically, the same day, the Greens submitted a request for opinion asking for the establishment of a new EU Convention, in the same line of thought as the SPÖ. The coalition and the SPÖ rejected the request.

We observe that polarisation in the context of the Constitutional Treaty happened on different levels and pushed parties to become active in EU affairs. Ideological lines started to diverge between majority and opposition, between coalition partners, and within the opposition between the SPÖ and the Greens.

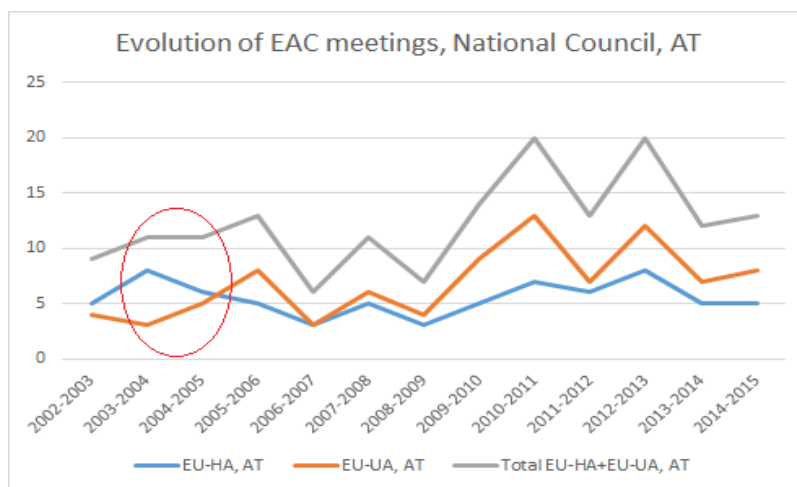
### **Analysis of parliamentary activity**

During negotiations on the Constitutional Treaty, the EU Main Committee was the most active body in the National Council, followed by the Constitutional Affairs Committee. While the EAC discussed the treaty more often, the Constitutional Affairs Committee produced the main report on the treaty. The former met 12 times between 2003 and 2006 to discuss matters related to the treaty, while the latter met only 3 times. The EU Main Committee debated on the Constitutional Treaty 4 times in 2003, 5 times in 2004, 2 times in 2005 and 1 time in 2006. MPs met only five times in plenary. Overall, the number of meetings remained relatively low. The table J (see appendix 1) sums up the total number of meetings dedicated to the Constitutional Treaty. If we observe now the evolution of EAC meetings during the negotiations on the Constitutional Treaty, we see that the number of EU Main Committee meetings decreased between 2004 and 2005, while the number of EU Sub-Committee meetings grew. One reason could be that the EU Main Committee focuses on institutional questions that are more rarely debated than specific EU policies discussed in the EU Sub-Committee.

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<sup>291</sup> 10.06.2005: TOP 3 Europäischer Rat 16./17. Juni 2005  
RAT 9735/05 Europäischer Rat am 16./17. Juni 2005/Entwurf von Schlussfolgerungen  
(52935/EU XXII.GP), IV-16 der Beilagen zu den Stenographischen Protokollen des Nationalrates XXII. GP

**Figure 51: Number of EAC meetings in the context of the Constitutional Treaty (in total), National Council**



Source: Own calculations.

On the contrary, the proportion of parliamentary questions on EU affairs grew steadily during the same period (see figure 46). Even though the increase of parliamentary questions is not directly related to the Constitutional Treaty, it illustrates a general trend. The evolution can be explained by the growing number of EU documents arriving in Parliament between 2002-2006 (see 6.2.2), which prompted more activity. More precisely, opposition MPs asked the most parliamentary questions on EU issues during that period. However, parliamentary instruments scrutinising the government's position on the Constitutional Treaty remained marginal. Between 2003 and 2005, we counted 1 committee opinion, 11 motions for a resolution, 3 urgent questions, 1 written question and 1 motion. The table K (appendix 1) sums up the total number of tools used. The table shows that opposition MPs used the most parliamentary instruments. Parliamentary discussions on the Constitutional Treaty were characterised by a congruence of positions between majority and opposition. Both majority and opposition MPs supported sometimes the same ideas, but majority MPs systematically rejected the opposition's stance for the sake of partisan logics. These observations confirm sub-hypothesis H1.2 according to which MPs' involvement would depend on their positioning on the political spectrum. Opposition MPs were more active than majority MPs, even though the latter were more successful in the adoption of positions. Overall, the Government's position predominated thanks to the systematic backing of majority MPs. Additionally, the rapporteur on the treaty belonged to the ÖVP, which confirms again the coalition's will to keep control over the discussions.

Political ideologies did not seem to play an important role until 2005. In fact, all parties were supportive of the Constitutional Treaty, even though with some divergences between pro-European opposition and majority MPs. Moreover, the FPÖ's sceptical positions were tamed, because the party was part of the coalition and had to focus on its survival as it was confronted to internal conflicts until 2005. However, the political dynamics changed from the end of 2005 onwards, when the FPÖ split and became increasingly Eurosceptic. In that case, ideologies played a crucial role in the party's activities. Thus, sub-hypothesis H1.1 can be only partially confirmed. Overall, the examination of the use of parliamentary instruments on the Constitutional Treaty shows that polarisation was moderate until 2005. Indeed, the absence of

ideological competition between parties over the Constitutional Treaty did not trigger polarisation. After the FPÖ's split in 2005, polarisation grew both between pro-European and Eurosceptics, but also between opposition and majority MPs. However, the ratification of the treaty was over and polarisation had thus no impact on treaty negotiations.

The Constitutional Treaty was certainly salient for EAC members, but not for the rest of MPs. Awareness about EU affairs grew with the Constitutional Treaty, but was not widespread, which would partially confirm hypothesis H2. Indeed, only a limited group of MPs dealt with these matters. If we look at MPs individually, we cannot argue that MPs with the most "Europeanised" profiles were the most active. We identified two main types of players that scrutinised the Government's EU policy: non-EAC members with leading positions in their parliamentary group and EAC members with leading positions in their parliamentary group. However, EAC members did not count among the most active scrutinisers, even though they dealt the most with the Constitutional Treaty in their meetings. Active non-EAC members belonged to the pro-European opposition, while EAC members came mainly from the majority. This could explain why EAC members from the majority did not use as much the scrutiny instruments to control their own Government.

Almost all MPs who used the above-mentioned instruments were either chairperson or occupied another important position (Secretary General) in their parliamentary group. Two MPs were both chairpersons of their parliamentary group and at the same time EAC members. Another MP dealt with the Constitutional Treaty because she was Speaker for constitutional affairs. As said before, the fact that a high proportion of active key players occupied leadership positions indicates the importance of group and party cohesion. In fact, party linkage constitutes one of the most crucial determinants of parliamentary involvement. Group representatives have the duty to represent their party's ideological position in Parliament. The Constitutional Treaty was a salient matter for all parties, therefore group leaders appeared the most legitimate and competent to publicise their party's opinion in the parliamentary arena.

The length of the mandates seemed also to play a role in MPs' involvement, as more than half of the identified key players exerted a long-term mandate by the time of the negotiations on the Constitutional Treaty. It could mean that the most professionalised MPs were more invested and interested in the treaty because of their extensive political experience in Parliament and their detachment from re-election objectives. As some senior EAC members dealt already with Austria's EU accession, the Constitutional Treaty represented a similar exercise for them. Moreover, several MPs were also former government members, which might have reinforced their legitimacy to follow the treaty. Indeed, the Government usually leads treaty negotiations. A former government member might know the other side of the coin and contribute to parliamentary work with prior knowledge from governmental practices. It could also mean that these MPs wished to distinguish themselves politically, in case they are called back into Government. In any case, their activities in Parliament might not have been entirely free from the Government's influence. National-based experiences seemed to be more important in the context of the treaty negotiations, because only few key players participated in

European parliamentary conferences. It shows that European functions barely played any role in MPs' level of involvement.

Membership in a national union did not seem either to play a significant role in MPs' EU engagement. Few MPs belonged to federations, associations or professional chambers. Those who did came from the SPÖ and the ÖVP. We identified only one MP from the FPÖ who belonged to a national union. This can be explained by the fact that relations with the civil society under the ÖVP-FPÖ coalition were quite limited due to the FPÖ's reluctance to cooperate with national unions. However, MPs with a membership in a national union were more numerous than MPs with an experience in European organisations. Moreover, we observed that those MPs member of a professional chamber, a federation or an association defended mostly domestic interests. For instance, an SPÖ MP was member of the environmental-friendly association "Naturfreunde Österreich" since 2002 and requested the amendment of the EURATOM-Treaty (see motion for a resolution, 29.01.2004). Another FPÖ MP was vice-president of the Chamber of Agriculture of Kärnten since 2001 and pleaded for the anchorage in the Constitutional Treaty of the unanimity principle for measures on water resources (see motion for a resolution, 27.05.2004). In light of these elements, we assume that professional chambers tended to defend their own interests or Austria's interests through their parliamentary representatives. Indeed, MPs belonging to a national union tended to defend domestic-centred positions revolving around their union's interests.

The Constitutional Treaty was certainly a salient matter within the National Council, but it was not reflected in the use of parliamentary scrutiny instruments. We can argue that treaty negotiations were moderately followed matters that did not lead to substantial activities within Parliament. Several reasons could be at the origin of such observations: the culture of informality and discussions outside of the parliamentary arena or the organisation of an "Austrian Convention" from the end of June 2003 until beginning of 2005 to amend the Federal Constitution. The "Austrian Convention" was composed among others of MPs and met several times in 2003 and 2004, either in plenary sessions or in working groups. This Convention was inspired by the Convention on the Future of Europe and the Constitutional Treaty, but concerned solely domestic constitutional revisions. We assume that the Convention on the national level attracted more attention from MPs than the Constitutional Treaty itself that was negotiated in parallel. Another explanation could be the issues that Austria had to face in 2005 with the ECJ (Fallend, 2006). Firstly, the ECJ accused the country of discriminating foreign students by restricting their access to universities and invalidated the law regulating such discrimination. Secondly, the ECJ decided to lift the sectoral driving bans with regard to the transit of trucks in the Austrian Alpine region. For some MPs, regional elections in Styria and parliamentary elections might have cornered their schedule. The bad results of the ÖVP during the regional elections in Styria and the FPÖ's loss of seats in the Federal Council changed the political constellation in both chambers, increasing the power of opposition parties. Apart from the EAC members, the rest of MPs might then have focused on these regional and national political campaigns rather than on the European treaty.

Moreover, the Austrian EU Presidency in 2006 affected substantially the National Council's EU activities. The chamber multiplied activities and reflexions on amendments

linked to EU affairs<sup>292</sup>. A COSAC meeting took place on 20<sup>th</sup> February 2006 in the Austrian Parliament. On the 30<sup>th</sup> March and 24<sup>th</sup> May 2006, the National Council organised plenary sessions dedicated to EU affairs. It also scheduled four conferences with specialised committees on 27<sup>th</sup>-28<sup>th</sup> March (joint meetings between Foreign Affairs Committees of national parliaments and EP), 10<sup>th</sup> April (joint meetings between Committees on Home Affairs), 29<sup>th</sup> May (joint meetings between Finance committees) and 16<sup>th</sup> June 2006 (joint meetings between Environment committees). On 18<sup>th</sup>-19<sup>th</sup> April 2006, the Austrian Parliament, the Federal Chancellery and the regional government of Lower Austria organised a subsidiarity conference in St Pölten. On 22<sup>nd</sup>-23<sup>rd</sup> May 2006, EU Affairs committees met in Vienna to discuss national parliaments' involvement in European decision-making. To sum up, the National Council became very active during the first semester of 2006, in particular regarding the organisation of interparliamentary meetings. Contrary to the Constitutional Treaty, the EU Presidency monopolised Parliament's attention, because Austria had the opportunity to position itself on the EU level.

The next section analyses to what extent the Constitutional Treaty pushed to institutional changes in the National Council.

#### *6.4.2 The Constitutional Treaty: an opportunity for institutional change within the National Council?*

On the national level, the Constitutional Treaty inspired constitutional revisions in the form of an "Austrian Convention" from 2003 to 2005. This Convention aimed to reform Austrian institutions and to simplify the Constitution. However, discussions did not result in concrete implementations. Within the National Council, the Constitutional Treaty certainly triggered reflexions on further institutional improvements. Discussions on parliamentary revisions started in 2003 in the framework of the preparation of the IGC drafting the Constitutional Treaty. Between 2003 and 2005, the EU Main Committee met 5 times to discuss scrutiny rights in EU affairs. The Committee on Rules of Procedure met only once, but dealt more in detail with RoP amendments (see table L, appendix 1).

While non-EAC members dominated parliamentary activity until 2005, EAC members animated particularly the debates on institutional change within the National Council. One reason might be that the EU-HA deals mainly with institutional questions such as parliamentary competences in EU affairs. Most MPs who initiated discussions on amendments had already extensive parliamentary experience in EU affairs. Most EAC members who participated in discussions on procedural reforms accompanied successive changes in Parliament prior to the treaty negotiations. Therefore, they followed closely the evolution of their institutional framework, which gave them the legitimacy to trigger further change because of their "expert" status. For instance, an MP was formerly member of the delegation to the Convention on the Future of Europe (Interview 17a, 2017). In 2005, he was also member of the COSAC delegation and participated in the discussions on procedural developments within parliaments. Another former ÖVP MP was an MEP when Austria joined the EU (Interview 4a, 2017). In these

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<sup>292</sup> 03.02.2006, Parlamentskorrespondenz N°70, Parlament als Gastgeber zahlreicher EU-Konferenzen – Schwerpunkte: Subsidiarität, europäisches Lebensmodell, Verfassung

profiles, we also observe that EU-level experiences seemed to be more prominent among key players and might have constituted an additional motivation to participate in debates on procedural revisions. Indeed, former MEPs or MPs who participated in COSAC meetings during discussions on procedural changes within the National Council tended to be more sensitised to EU norms and the role of national parliaments than the average MP. On the contrary, memberships in national unions were quasi non-existent, proof that the civil society had no impact on scrutiny reforms in Parliament. Key players' profiles oriented towards EU-level positions included them directly in discussions on the supranational level and made them more independent from domestic partisan logics. The other category of active MPs were non-EAC members occupying leading positions in their parliamentary group. Their motivation was different from EAC members. Indeed, they did not have supranational convictions but aimed rather to represent their group or party opinion on institutional questions related to their scrutiny rights in Parliament. This was even more important for opposition MPs, who wished to increase their participation rights.

This categorisation of actively engaged players resembles the previous observations made in the case of parliamentary activity. Thus, we conclude that two sociological features seemed to determine MPs' role as "political entrepreneurs" of change: their membership in the EAC and their political position within their group or Parliament. Whenever MPs were actively promoting institutional change without being member of the EU Main Committee, we acknowledged that they usually endorsed functions such as group chairperson or group Secretary General. The crucial role of politically important players on procedural discussions confirms the arguments advanced in section 6.1.1.5 on the significant influence of party politics and, in the case of majority MPs, of the Government on institutional change in the National Council.

Overall, discussions in the EAC on improvements of parliamentary participation were quite general and concerned mainly the Government's information policy. The Constitutional Treaty did not affect substantially the evolution of parliamentary scrutiny rights within the National Council. As we saw earlier, the treaty seemed to have only a moderate salience in Parliament, which led to moderate change. The elements below do not permit to confirm hypothesis H3, because the failure of the Constitutional Treaty did not create an institutional "misfit" between the European and domestic legal systems. However, reflexions on potential change multiplied within the National Council in parallel to the treaty negotiation. MPs discussed the role of national parliaments and their participation in the subsidiarity mechanism during an EAC meeting on the 25<sup>th</sup> November 2003<sup>293</sup>. During a further EAC meeting, a Green MP suggested through a motion to discuss the results of the European Council in the plenary of the National Council<sup>294</sup>. However, both coalition partners rejected it. Another SPÖ MP, backed by the Federal Chancellor, proposed to invite European Commissioners in Parliament. In June 2004, the opposition overtly criticised the lack of information from the Government on the

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<sup>293</sup> 25.11.2003: CONV 850/03 , Entwurf eines Vertrags über eine Verfassung für Europa (15428/EU XXII. GP), IV-6 der Beilagen zu den Stenographischen Protokollen des Nationalrates XXII. GP.

<sup>294</sup> 09.12.2003: TOP 1 14450/03 , Europäischer Rat am 12./13. Dezember 2003 Erläuterter Tagesordnungsentwurf (19107/EU XXII.GP), IV-8 der Beilagen zu den Stenographischen Protokollen des Nationalrates XXII. GP

Constitutional Treaty and called for improvements<sup>295</sup>. The same critics were addressed to the Government in an EAC meeting in October 2005 preparing Austria's EU Presidency<sup>296</sup>. On 18<sup>th</sup> October 2004, during another EAC meeting, the President of the National Council explained the chamber's intention to organise a European week, to give MEPs the right to speak in plenary sessions and to invite European Commissioners in Parliament<sup>297</sup>.

The Committee on Rules of Procedure dealt more thoroughly with institutional revisions within the National Council. Debates were quite consensual between the parties on procedural changes. Indeed, on 07<sup>th</sup> April 2005, MPs from the ÖVP, SPÖ, FPÖ and GRÜNE submitted a motion requesting a better parliamentary involvement in EU affairs, not only in the EAC, but also in plenary<sup>298</sup>. All parties agreed that the role of the National Council should be strengthened in EU politics. An explanation for this political consensus could be the general perception among MPs that the scrutiny of EU affairs should emphasise the national level. Therefore, both pro-European or Eurosceptic MPs defended the same institutional developments, despite observed divergences in the use of scrutiny instruments. Slight divergences in opinion between the parties concerned the opening of the parliamentary scrutiny to European representatives such as MEPs.

The parties requested the establishment of plenary sessions dedicated to EU issues (so-called "EU days"). Each parliamentary group would have the right to suggest topics before each plenary session. Because of the low participation rate during the last European elections in 2004, the aim of such measures was to bring the EU closer to Austrian citizens. It would also encourage sectoral committees to deal more with EU affairs. These plenary meetings would deal with the working programmes of the EU Presidency and reports drafted by the EU Main Committee. The four-party request was transferred to the Committee on Rules of Procedure, which examined and produced a report on the motion on 21<sup>st</sup> April 2005<sup>299</sup>. Even though all parties supported institutional change, this report illustrates that coalition partners wanted to control the direction of change by avoiding any strengthening of government scrutiny tools. Indeed, the author of this report belonged to the then coalition partner ÖVP.

Amendments to the RoP included the addition of EU matters in the competence catalogue of the National Council, a completion of the negotiation competences of both EAC committees concerning the Constitutional Treaty, as well as the establishment of plenary sessions dedicated to EU matters. The committee members adopted the report unanimously. Even though the Greens counted among the parties that submitted the request, they regretted that the idea was abandoned to let MEPs participate in plenary sessions. They also criticised

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<sup>295</sup> 15.06.2004: TOP1: RAT 9974/04, Europäischer Rat am 17./18. Juni 2004 - Erläuterter Tagesordnungsentwurf, (30977/EU XXII.GP), IV-10 der Beilagen zu den Stenographischen Protokollen des Nationalrates XXII. GP

<sup>296</sup> 20.10.2005: AStV-II-Tagung am 14.9.2005/Treffen der Staats- und Regierungschefs am 27./28. Oktober 2005 (57705/EU XXII.GP), IV-17 der Beilagen zu den Stenographischen Protokollen des Nationalrates XXII. GP

<sup>297</sup> 18.10.2004: IV-12 der Beilagen zu den Stenographischen Protokollen des Nationalrates XXII. GP

<sup>298</sup> 07.04.2005, Parlamentskorrespondenz N°230, In Hinkunft eigene NR-Sitzungen zu EU-Angelegenheiten – Entsprechender Vier-Parteien-Antrag liegt vor.

<sup>299</sup> 21.04.2005 TOP 2 Bundesgesetz über die Geschäftsordnung des Nationalrates (Geschäftsordnungsgesetz 1975) ([588/A](#))



that the Government comes unfrequently to EU Sub-Committee meetings. An SPÖ MP also wished that special parliamentary instruments, such as urgent questions, were applied to EU topics to strengthen the parliamentary efficiency of such tools. Urgent questions on EU matters could contribute to strengthen the publicity of such topics in Parliament and in Austria. However, an FPÖ MP argued that only MPs' willingness to deal more often with EU affairs will determine how they use these instruments in the future. MPs discussed the report of the Committee on Rules of Procedure in plenary on the same day as the ratification of the Constitutional Treaty<sup>300</sup>. The amendments were incorporated in form of two new paragraphs §31c and §74b.

Within the Parliamentary Directorate, the "EU relations" unit replaced the old "EU Coordination" unit in 2005. The National Council also established its permanent representation in Brussels in May 2005. These procedural changes were undergone independently from any political proposal. The administration decided autonomously to modify its structures, which proves that change happened also without MPs' involvement.

After the ratification of the Constitutional Treaty, discussions on Parliament's scrutiny rights reappeared on the agenda at the beginning of 2006, during Austria's EU Presidency. EAC members participated in the COSAC meeting organised in Vienna on 22<sup>nd</sup> May 2006. A Green MP member of the delegation argued that parliamentary groups needed more resources to be able to deal with EU documents<sup>301</sup>. In November 2006, a topical debate was organised on the information policy between the National Council and the Government<sup>302</sup>. An SPÖ MP, now part of the majority, pleaded in favour of strengthening the rights of opposition parties, of on-time information and the publicity of committee meetings through further amendments to the RoP. A Green MP pointed out the lack of consensus between groups on parliamentary participation in EU affairs, accusing the majority to reject systematically suggestions from the opposition and thus any constructive dialogue towards a stronger control of the Government.

In summary, institutional change in the context of the Constitutional Treaty was narrowly monitored by the successive coalitions and concerned mostly internal improvements rather than strengthened Parliament-Government cooperation.

### *6.4.3 Conclusion*

In this section, we analysed parliamentary activity and institutional change within the National Council in the context of negotiations on the Constitutional Treaty. Observations were made on the trends in both cases. We discovered that MPs' socio-demographic characteristics, as well as their position on the political scale (majority vs opposition) seemed to be the two

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<sup>300</sup> 11.05.2005, Parlamentskorrespondenz N°366, Österreichisches Parlament ratifiziert EU-Verfassung – Verfassungsvertrag mit einer Gegenstimme angenommen + 109. Sitzung des Nationalrates der Republik Österreich, Stenographisches Protokoll, XXII. Gesetzgebungsperiode, 11.05.2005, TOP1 Bericht des Verfassungsausschusses über die Regierungsvorlage (851 d. B.): Vertrag über eine Verfassung für Europa samt Protokolle, Anhänge und Schluss-akte (919 d.B.)

<sup>301</sup> 22.05.2006, Parlamentskorrespondenz N°503, COSAC-Konferenz diskutiert Verfassung und Subsidiarität – Fasslabend: Jetzt ist die Chance, etwas zu verbessern

<sup>302</sup> 26.11.2006, 4. Plenary session, XXIII. Legislative period, Topical debate: „Kontrollverweigerung durch die Bundesregierung – Maßnahmen für ein neues Verhältnis zwischen Parlament und Bundesregierung“



factors that affected the most parliamentary involvement in the follow-up of the Constitutional Treaty.

Overall, MPs were more interested in domestic issues, most probably discussions in the framework of the “Austrian Convention”, leaving the scrutiny of EU affairs to EAC members and group leaders. The latter played a significant role in the use of parliamentary instruments, probably because their functions obliged them to speak in the name of the whole group for politically important matters. The fact that chairpersons and MPs with important positions in their party were the main key players could also indicate that there was an overall strong group discipline, which reinforced parties’ influence on parliamentary discussions. Among the few active MPs, most represented the position of their whole group on the Constitutional Treaty. Thus, committee membership seemed to play a less important role in parliamentary involvement than political functions within Parliament.

The institutional context did not seem to have crucially influenced MPs’ involvement in EU affairs. During negotiations on the Constitutional Treaty, parliamentary involvement did not seem to be affected substantially by the civil society. As we saw earlier, membership in a national union was quite rare among key players. Those who had strong links to an organisation defended mainly domestic interests. Finally, parliamentary activity was not impacted by rulings of the Federal Constitutional Court, as the latter was not seized on the matter. The only external actor that seemed to have affected parliamentary work during negotiations on the Constitutional Treaty was the Government through the parties and affiliated parliamentary groups. Therefore, it was less the European experience of MPs that influenced their behaviour than their position on the political spectrum and their parties’ political strategies. Parties’ influence on the negotiation process in Parliament was visible through the analysis of key players’ profiles. Indeed, most active key players occupied political leadership positions in Parliament. Their functions might have enabled them to communicate more frequently with government representatives than regular MPs.

Moreover, some key players, mainly from the ÖVP and FPÖ, even had a former experience in the Government, which might have provided them with the needed knowledge on government-parliament relations. Just as the parties, Government kept its hands on the negotiation process through its majority MPs in Parliament. We saw that until mid-2005, discipline reigned in the ÖVP-FPÖ coalition, both partners supporting each other’s EU position. Therefore, we cannot validate sub-hypothesis H1.3, because strong group discipline in Parliament prevailed even in the absence of political polarisation. Even opposition MPs tended to submit the same requests as majority MPs, even though the majority rejected them in the name of the political competition. Overall, majority MPs had privileged information access and influence possibilities on the treaty discussions. This was facilitated by the fact that consensus on the treaty and institutional change reigned among parties until 2005. As consensus reigned more or less between the parliamentary groups on the Constitutional Treaty, the use of parliamentary instruments to scrutinise the Government was rather limited. The Government’s EU policy was thus backed by most MPs in Parliament, even by the opposition. Consensus prevailed also in institutional revisions until May 2005, where all parliamentary groups formulated proposals to change the scrutiny procedures in EU affairs, even though political

divergences appeared between the majority and the opposition on the extent of such reforms. Therefore, we can validate sub-hypothesis H3.2, because the consensual atmosphere on procedural amendments encouraged MPs with a “Europeanised” profile to lead the discussions. Even though most procedural changes were initiated by MPs, the parliamentary administration undertook a structural reorganisation independently from the political sphere.

However, from April 2005 on, after the FPÖ split, the party changed its position on the treaty. Losing its government channel to influence the outcome of the negotiations on the Constitutional Treaty, the FPÖ referred to its group in the Federal Council. FPÖ members in the Federal Council rejected the Constitutional Treaty in May 2005, even though they had welcomed it earlier in 2005. The then opposition party SPÖ also used the channel of the Federal Council back in 2004 to try to pass its proposal to amend the EURATOM treaty, notably after the failure to pass a motion in the National Council in January 2004<sup>303</sup>. These elements prove that opposition MPs, both SPÖ and later FPÖ, tried to influence parliamentary work through a different channel, as they did not benefit from the Government’s resources in the National Council. However, activities in the Federal Council on the Constitutional Treaty remained limited, as the upper chamber plays generally a weak role in the examination of international and European treaties.

## 6.5 Evolution of parliamentary involvement in the context of negotiations on the Lisbon Treaty (2006-2009)

The present section will analyse parliamentary involvement in the context of the Treaty of Lisbon. We saw that during the Constitutional Treaty, political competition played a significant role. We will check if we can observe the same trends between 2006 and 2009. Just as the previous section, we aim to test several sub-hypotheses. We will explain how polarisation trends affected parliamentary involvement (H1) and how the salience level of the treaty influenced the mainstreaming of EU affairs within Parliament (H2). Finally, we will analyse how the Lisbon Treaty affected amendments to the Parliament’s scrutiny system (H3).

### 6.5.1 Parliamentary involvement in the framework of the negotiations on the Lisbon Treaty

#### **General context**

The political landscape changed in October 2006, when the SPÖ gained the highest number of votes (35,34%) during the legislative elections. The FPÖ lost a substantial proportion of voices and stayed in the opposition. The BZÖ gained only 4% of the votes and switched into the opposition. The SPÖ established a coalition with the ÖVP and led a rather consensus-oriented European policy until 2008. However, after the ratification of the Treaty of Lisbon in

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<sup>303</sup> See [https://www.parlament.gv.at/PAKT/VHG/BR/E-BR/E-BR\\_00189/index.shtml](https://www.parlament.gv.at/PAKT/VHG/BR/E-BR/E-BR_00189/index.shtml) ; [https://www.parlament.gv.at/PAKT/VHG/BR/E-BR/E-BR\\_00189/index.shtml](https://www.parlament.gv.at/PAKT/VHG/BR/E-BR/E-BR_00189/index.shtml) (last accessed 17.01.2019).

2008, strong ideological divergences on the ratification modalities of the Treaty of Lisbon between both coalition partners caused the early termination of the coalition agreement. New elections were organised on the 29<sup>th</sup> September 2008. Both big parties lost voices to the benefit of the FPÖ, which became the first opposition party. A new SPÖ-ÖVP coalition was set up. Political tensions between opposition and majority, but also within the coalition, built up between 2006 and 2008. EU issues, specifically the Treaty of Lisbon, were the main reason for such conflicts.

**Table 15: Legislative elections in Austria, 2006-2008**

Year of election	Political parties					
	GRÜNE	SPÖ	ÖVP	FPÖ	BZÖ	OTHER
<b>2006</b>	11,05	35,34	34,33	11,04	4,11	4,03
<b>2008</b>	10,43	29,26	25,98	17,54	10,70	6,09

Note: Percentage of votes per party for each legislative election.

Sources: [https://www.bmi.gv.at/412/Nationalratswahlen/Nationalratswahl\\_2006/start.aspx#pk\\_08](https://www.bmi.gv.at/412/Nationalratswahlen/Nationalratswahl_2006/start.aspx#pk_08); [https://www.bmi.gv.at/412/Nationalratswahlen/Nationalratswahl\\_2008/start.aspx#pk\\_02](https://www.bmi.gv.at/412/Nationalratswahlen/Nationalratswahl_2008/start.aspx#pk_02) (last accessed 04.07.2018).

Euroscepticism grew not only within the ranks of the parties, both populist and pro-European, but also among the population. In September 2006, only 36% of the population thought that EU membership was a good thing for Austria<sup>304</sup>. This proportion grew slightly in September 2007 to 38%<sup>305</sup>, but decreased again in spring 2008 to 36%<sup>306</sup>. Thus, negotiations in Parliament on the Treaty of Lisbon did not face popular enthusiasm. In addition, since the change of FPÖ leader in 2005, the party adopted a stronger Eurosceptic stance and multiplied requests and actions to counteract the Government's EU policy.

In the course of 2006, the National Council discussed the future of the Constitutional Treaty. Debates on the Treaty of Lisbon started in June 2007. On 19<sup>th</sup> June 2007, the EU Main Committee met to prepare the IGC on 21<sup>st</sup>-22<sup>nd</sup> June<sup>307</sup>. A Green MP requested the incorporation of the Charta on Fundamental rights in the new treaty<sup>308</sup>. The FPÖ/BZÖ requested new negotiations on the EU treaty without reference to the previous one, as well as the organisation of a national referendum<sup>309</sup>. The majority rejected both motions. On 17<sup>th</sup> October

<sup>304</sup> Standard Eurobarometer N°66, September 2006, <http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/STANDARD/yearFrom/2006/yearTo/2010/surveyKy/584> (last accessed 04.07.2018).

<sup>305</sup> Standard Eurobarometer N°68, September 2007, <http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/STANDARD/yearFrom/2006/yearTo/2010/surveyKy/664> (last accessed 04.07.2018).

<sup>306</sup> Standard Eurobarometer N°69, Spring 2008, <http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/STANDARD/yearFrom/2006/yearTo/2010/surveyKy/742> (last accessed 04.07.2018).

<sup>307</sup> 19.06.2007, TOP 1 RAT 10494/07 Europäischer Rat am 21./22. Juni 2007 – Entwurf von Schlussfolgerungen (15287/EU XXIII.GP), IV-3 der Beilagen zu den Stenographischen Protokollen des Nationalrates XXIII. GP

<sup>308</sup> 19.06.2007, Ulrike Lunacek, Alexander Van der Bellen (GRÜNE), EU Hauptausschuss, Antrag auf Stellungnahme gemäß Art 23e Abs.2 B-VG betreffend den Europäischen Rat am 21./22. Juni 2007 und die weitere Vorgangsweise in der Regierungskonferenz zum Vertrag über eine Verfassung für Europa

<sup>309</sup> 19.06.2007, Bösch, Strache, Fichtenbauer (FPÖ), EU Hauptausschuss, Antrag auf Stellungnahme gemäß Art 23e Abs.2 B-VG betreffend des Verhalten der Mitglieder der österreichischen Bundesregierung am Europäischen Rat am 21. und 22. Juni 2007 bzgl. der Verhandlungen über einen Verfassungsvertrag für die Europäische Union

2007, the EU Main Committee decided to establish a “Firefighting committee” to follow the IGC negotiations on 18<sup>th</sup>-19<sup>th</sup> October on the draft of a new EU treaty<sup>310</sup>. The EU Main Committee met once more on 12<sup>th</sup> December 2007 before the IGC on 13<sup>th</sup> December foreseeing the signature of the Treaty of Lisbon<sup>311</sup>. The Government Council submitted the final draft of the treaty to the National Council on 11<sup>th</sup> January 2008. It entered Parliament officially on 14<sup>th</sup> January and was transferred to the Constitutional Affairs Committee on 16<sup>th</sup> January 2008. The latter examined the treaty on 05<sup>th</sup> and 06<sup>th</sup> February and decided to organise public hearings on 22<sup>nd</sup> February and 02<sup>nd</sup> April 2008 on the topic “The Lisbon Treaty – Facts and assessments”<sup>312</sup>.

Discussions centred on security and neutrality issues. Arguments focused on the treaty’s threat to the Austrian neutrality principle and the necessity to organise a national referendum to ratify the Treaty of Lisbon. Experts from universities and the Federal Constitutional Court disagreed on the constitution-amending nature of the treaty. Finally, the Constitutional Affairs Committee concluded that the Treaty of Lisbon would not require a referendum, because it did not affect substantially the Austrian Federal Constitutional order. The committee met on 27<sup>th</sup> February and adopted a report suggesting the ratification of the Treaty of Lisbon on 25<sup>th</sup> March 2008<sup>313</sup>. The draft EU treaty, together with reports of the Constitutional Affairs Committee and the EU Main Committee on referendum requests<sup>314</sup>, was discussed in plenary on 09<sup>th</sup> April 2008<sup>315</sup>. The Treaty of Lisbon was ratified with 151 votes against 27. The FPÖ and BZÖ rejected the treaty, while the SPÖ, ÖVP and Greens approved it. The treaty was then transferred to the Federal Council on 11<sup>th</sup> April 2008. The Committee on Constitution and Federalism produced a report on 23<sup>rd</sup> April and the upper chamber ratified the treaty in plenary on 24<sup>th</sup> April 2008. After the ratification, discussions on the treaty continued in the National Council’s EU Main Committee and in plenary until the treaty’s entry into force in December 2009. On 17<sup>th</sup> June 2008, the EU Main Committee focused on the negative results of the Irish referendum<sup>316</sup>.

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<sup>310</sup> 17.10.2007: TOP1: CIG 1/1/07 REV 1 Regierungskonferenz 2007, IV- 4 der Beilagen zu den Stenographischen Protokollen des Nationalrates XXIII. GP

<sup>311</sup> 12.12.2007: RAT 15278/07 Europäischer Rat am 13./14. Dezember 2007 – Entwurf der erläuterten Tagesordnung (24853/EU XXIII.GP), IV-5 der Beilagen zu den Stenographischen Protokollen des Nationalrates XXIII. GP

<sup>312</sup> 04.02.2008, Parlamentskorrespondenz Nr. 103, EU-Reformvertrag: Nationalratspräsidium einig über weiteren Fahrplan, Prammer, Spindelegger und Glawischnig für transparente Beratungen; 02.04.2008, Parlamentskorrespondenz Nr. 288, Hat der Vertrag von Lissabon Auswirkungen auf die Neutralität?, Spindelegger appelliert, sich seriös mit Fakten auseinanderzusetzen

<sup>313</sup> 25.03.2008, Parlamentskorrespondenz Nr. 257, Verfassungsausschuss empfiehlt Ratifikation des EU Reformvertrags, SPÖ, ÖVP und Grüne gegen Abhaltung einer Volksabstimmung, [https://www.parlament.gv.at/PAKT/PR/JAHR\\_2008/PK0257/index.shtml](https://www.parlament.gv.at/PAKT/PR/JAHR_2008/PK0257/index.shtml) (last accessed 04.07.2018).

<sup>314</sup> 25.01.2008: TOP 5: Antrag der Abgeordneten Ing. Peter Westenthaler, Kolleginnen und Kollegen auf Durchführung einer Volksbefragung gem. Art. 49b B-VG über den EU-Reformvertrag ([465/A](#)); 25.03.2008: TOP 4: Antrag der Abgeordneten Ing. Peter Westenthaler, Kolleginnen und Kollegen auf Durchführung einer Volksbefragung gem. Art. 49b B-VG über den EU-Reformvertrag ([465/A](#))

<sup>315</sup> 09.04.2008, 55. Plenary session, Parlamentskorrespondenz Nr. 305, Große Mehrheit für den Vertrag von Lissabon, Nationalrat ratifiziert mit 151 gegen 27 Stimmen EU-Reformvertrag

<sup>316</sup> 17.06.2008: TOP 1 RAT 9410/08 Europäischer Rat am 19./20. Juni 2008 - Entwurf der erläuterten Tagesordnung (37366/EU XXIII.GP), IV-7 der Beilagen zu den Stenographischen Protokollen des Nationalrates XXIII. GP

The FPÖ and BZÖ requested new treaty negotiations during EAC meetings on 09<sup>th</sup> December 2008<sup>317</sup>, 17<sup>th</sup> March 2009<sup>318</sup> and 28<sup>th</sup> October 2009<sup>319</sup>.

Ideological differences were even more pronounced in the context of the Treaty of Lisbon than the Constitutional Treaty. Just as the latter, institutional aspects raised particular attention among parties. The Federal Chancellor, as well as the SPÖ-ÖVP majority and the Greens in the National Council supported the treaty and insisted on preserving the substance of the Constitutional Treaty. According to the SPÖ, the Treaty of Lisbon would reinforce the EU's social dimension and the EU's democracy. Both coalition partners argued that the treaty would preserve Austria's neutrality<sup>320</sup>. The Greens welcomed the legally binding nature of the Charta on Fundamental rights, the strengthening of the EP and of the common European Foreign policy and the change towards qualified majority vote in the Council<sup>321</sup>. Most MPs welcomed the fact that the treaty strengthened the role of national parliaments (Interview 2a, 2017). The European symbols issue came back in the negotiations on the new treaty. An ÖVP MP regretted that France's position predominated and that the symbols were not mentioned in the Treaty of Lisbon (Interview 4a, 2017). Despite the positive positions of the three parties, MPs admit that the Treaty of Lisbon did not bring substantial changes with it, because it did not solve the systemic problems (Interview 17a, 2017). An ÖVP MP regretted that the Lisbon Treaty represented a setback compared to the Constitutional Treaty (Interview 4a, 2017). The new subsidiarity monitoring procedure was also subjected to criticism. According to the Green EU group collaborator, the Greens thought that the subsidiarity monitoring would reinforce centrifugal tendencies in the EU and chaotic decision-making (Interview 5a, 2017).

The FPÖ and BZÖ rejected the treaty, arguing that it would have a negative effect on the Federal Constitution. The main concern of both parties was the preservation of Austria's neutrality and sovereignty. They insisted on organising a national referendum on the Treaty of Lisbon. Ratification without the population's opinion would mean attacking Austria's democratic principles and favouring citizens' incapacitation<sup>322</sup>. The BZÖ submitted a motion in 2008 requesting the organisation of a national referendum<sup>323</sup>. The coalition and the Greens rejected the motion, but the FPÖ supported it. The latter organised a topical debate on 04<sup>th</sup> and 05<sup>th</sup> December 2007 entitled "So that Austria remains sovereign and neutral – no ratification of the Reform Treaty" ("Damit Österreich souverän und neutral bleibt – kein Abschluss des EU-Reformvertrages")<sup>324</sup>. During the plenary debate on 09<sup>th</sup> April 2008, the FPÖ submitted a

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<sup>317</sup> 09.12.2008: TOP 3 RAT 15363/08-Tagung des Europäischen Rates am 11./12. Dezember 2008- Entwurf einer erläuterten Tagesordnung (1291/EU XXIV.GP)

<sup>318</sup> 17.03.2009: TOP 1 RAT 7277/09 Europäischer Rat am 19./20. März 2009 –Entwurf von Schlussfolgerungen (8580/EU XXIV.GP)

<sup>319</sup> 28.10.2009 RAT 12942/09 Tagung des Europäischen Rates am 29./30. Oktober 2009–Entwurf der erläuterten Tagesordnung(17860/EU XXIV.GP)

<sup>320</sup> 09.04.2008, 55. Plenary session, Parlamentskorrespondenz Nr. 305, Große Mehrheit für den Vertrag von Lissabon, Nationalrat ratifiziert mit 151 gegen 27 Stimmen EU-Reformvertrag

<sup>321</sup> Position Paper Greens, November 2007, *Europäische Reform unterstützen. Die Debatte offen führen!*

<sup>322</sup> 09.04.2008, 55. Plenary session, Parlamentskorrespondenz Nr. 305, Große Mehrheit für den Vertrag von Lissabon, Nationalrat ratifiziert mit 151 gegen 27 Stimmen EU-Reformvertrag

<sup>323</sup> Antrag der Abgeordneten Ing. Peter Westenthaler, Kolleginnen und Kollegen auf Durchführung einer Volksbefragung gem. Art. 49b B-VG über den EU-Reformvertrag ([465/A](#))

<sup>324</sup> 04-05.12.2007, 40. Plenary session of the Nationalrat, XXIII. Legislative period

motion for resolution appealing for a referendum<sup>325</sup>. The party's strong opposition to the treaty was also reflected in the discourses of the FPÖ leader in the National Council. As a political strategy to criticise overtly the Government's EU policy and to gain the support of a growing Eurosceptic population, the FPÖ became particularly virulent in the course of 2007-2008. During that plenary session on the ratification of the Treaty of Lisbon, the FPÖ group leader accused the treaty to "sell Austria to the Brussels' Eurocrats" and to restore the death penalty<sup>326</sup>. The treaty reform would be the result of a "European constitutional dictatorship", an "attack on Austrian democracy" and would be comparable to the constitutional coup led by the Nazis in Austria in 1938. The harshness of these words were criticised by the proponents of the treaty. A Green MP argued for instance that the FPÖ and BZÖ lost their political credibility by rejecting a treaty that they previously supported<sup>327</sup>. Their campaign against it would be demagogical and populist.

Ideological polarisation between the FPÖ/BZÖ and the other parties increased even more in the second half of 2008. Even within the coalition, tensions mounted on its EU strategy. The biggest Austrian newspaper *Kronen Zeitung* supported the Eurosceptic strategy of the FPÖ and promised a referendum on the treaty. Moreover, several NGOs such as ATTAC or the citizen initiative "Save Austria" demanded a national referendum before the treaty's ratification in the National Council (Fallend, 2009). Due to the widespread anti-EU feeling in political circles and in the civil society, the "EU dispute" reached its paroxysm in June 2008 (Schulmeister, 2008). The deteriorating reputation of the Federal Chancellor pushed him to nominate a new SPÖ member to the position of Secretary General of the party. In an attempt to restore his popularity among the public opinion, he published together with the new SPÖ Secretary General a reader's letter in the *Kronen Zeitung* on 16<sup>th</sup> June 2008, announcing without prior deliberation with the party's presidium that any future EU treaty reform would be submitted to a national referendum. Negative reactions on this strategical turnaround came both from within the SPÖ and from the ÖVP. In July 2008, the then ÖVP leader announced in a press conference that the ÖVP would terminate the coalition with the SPÖ (Schulmeister, 2008). In September 2008, legislative elections led to a new SPÖ-ÖVP coalition, with the mention in the coalition agreement that both partners would reject any future parliamentary request on a national referendum, at the risk of terminating the coalition.

The Treaty of Lisbon was without doubt at the origin of a harsh ideological fight between the FPÖ/BZÖ and the parties supporting the treaty. Polarisation translated into an "EU dispute" over the organisation of a national referendum on the treaty. The widespread anti-EU campaign supported by the largest media in the country pushed political leaders to change their EU strategy. SPÖ leaders chose to secure electoral goals rather than to stick to their ideological positions. The FPÖ even filed a complaint to the Federal Constitutional Court, requesting the annulment of the Treaty of Lisbon. The Federal Constitutional Court rejected the complaint in

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<sup>325</sup> See 09.04.2008, 55. Plenary session.

<sup>326</sup> Ibid.

<sup>327</sup> Ibid.



March 2009, pointing out that the arguments advanced by the parties were not justifying a violation of the Federal Constitution<sup>328</sup>.

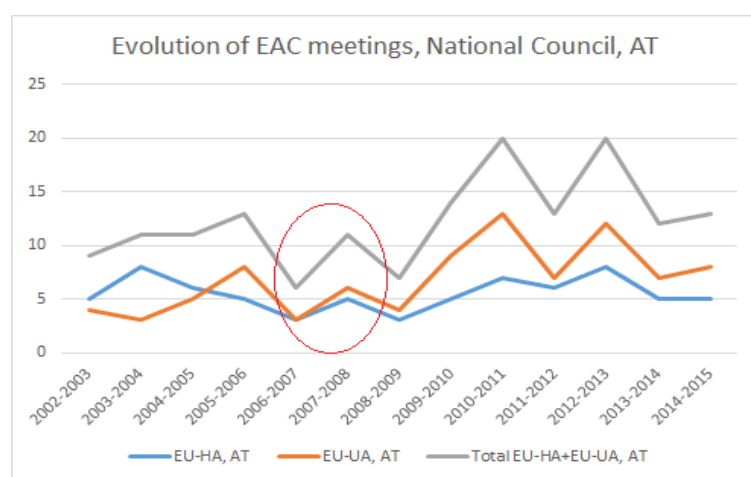
Individual strategies, political competition and party interests seem to have played a significant role in the follow-up of the Treaty of Lisbon in Austria. The second part will analyse to what extent this political atmosphere affected parliamentary involvement.

### **Analysis of parliamentary activity**

The Treaty of Lisbon seemed to have triggered higher parliamentary activity compared to the Constitutional Treaty. Indeed, over a shorter period running from 2007 to 2009, the EU Main Committee met 9 times to discuss matters linked to the new EU treaty. The second most active player was the Constitutional Affairs Committee, which met 5 times over this period. The committee also produced the parliamentary report on the ratification of the treaty. MPs debated 6 times in plenary (table M, appendix 1).

If we observe the number of EAC meetings on EU affairs in the context of negotiations on the Treaty of Lisbon, we find out that the number grew for the first time since 2003-2004 for the EU Main Committee, and since 2005-2006 for the EU Sub-Committee. A peak of activity can be observed in 2007-2008, during the period of parliamentary examination of the draft treaty. After 2008, the number of meetings decreased, probably because of the new legislative elections in September following the early dissolution of the ÖVP-SPÖ coalition.

**Figure 52: Number of EAC meetings in the context of the Lisbon Treaty (in total), National Council**



Source: Own calculations.

The same trend can be observed in the number of parliamentary questions on EU affairs (see figure 46). The year 2007-2008 shows a peak in the use of these instruments in all cases. We identify that the lowest point in 2006-2007 might correspond to the electoral period in October 2006 and the establishment of the new legislative session. The number of questions on EU

<sup>328</sup> See

[https://www.ris.bka.gv.at/Dokument.wxe?Abfrage=Vfgh&Dokumentnummer=JFT\\_09909689\\_08G00149\\_00](https://www.ris.bka.gv.at/Dokument.wxe?Abfrage=Vfgh&Dokumentnummer=JFT_09909689_08G00149_00) (last accessed 17.01.2019).



affairs then grew exponentially between 2007 and 2009, to reach its highest peak in 2008-2009. This trend shows that EU matters were “in vogue” during this period, probably because of the controversies surrounding the Treaty of Lisbon. Between 2007 and 2009, MPs were more active than during negotiations on the Constitutional Treaty. They submitted 13 motions for a resolution, 9 motions for an opinion, 2 motions for a committee assessment, 3 motions and asked 7 written and oral questions on the treaty (table N, appendix 1).

Parliamentary activity increased substantially in the context of the Treaty of Lisbon. We can explain this evolution by the fact that treaty matters were transformed into a domestic priority from the moment Eurosceptic parties started to request a national referendum. Opposition MPs used parliamentary instruments to express their disapproval of the Government’s EU policy. FPÖ MPs kept insisting on organising a national referendum on the Treaty of Lisbon.

Political ideologies clearly played a role in MPs’ level of involvement. Overall, MPs positions were all consistent with their parliamentary group’s EU line. Discipline within groups seemed to prevail on the Lisbon Treaty, as it was the case for the Constitutional Treaty. Parliamentary instruments do not show any dissident opinions within the respective fractions. Eurosceptic MPs were the most active. They used the Treaty of Lisbon to promote their own populist and electoral interests. However, pro-Europeans were not particularly active. We assume that majority MPs, which belonged mainly to the pro-Europeanists, did not want to thwart their own Government’s EU policy and abstained from using parliamentary instruments. Thus, we can confirm sub-hypothesis H1.1, even though there is no clear boundary between pro-Europeans and Eurosceptics, as even the SPÖ and the Greens started to criticise some aspects of the treaty.

We saw that MPs’ position on the political scale influenced their involvement in EU affairs. Indeed, opposition MPs, in particular the FPÖ and BZÖ, became very active in criticizing the Government’s EU policy. Majority MPs supported their government and the coalition controlled the discussions in Parliament, notably by nominating an SPÖ rapporteur on the treaty. These arguments confirm sub-hypothesis H1.2. Sharper ideological differences and higher political competition led to a stronger polarisation between the parties. Divergent political interests caused this polarisation. The FPÖ aimed popularity gain and electoral benefits from its overtly Eurosceptic campaign. Another reason for FPÖ MPs to become particularly active comes from the fact that the party lost seats in the Federal Council since October 2005, losing at the same time their status as a parliamentary group<sup>329</sup>. Moreover, internal tensions and the split in 2005 weakened the party and evicted it from the coalition. As the FPÖ was probably unable to use the Federal Council or the government channel to influence EU policies, it might have relied mainly on its MPs in the National Council. FPÖ MPs started a publicisation campaign, trying to raise attention among voters thanks to nationalistic discourses. As they changed sides, they also changed their ideological positioning and political strategy. The FPÖ moved away from the integration-friendly vision of the ÖVP, SPÖ and Greens. To gain popular

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<sup>329</sup> Between October 2005 and October 2009, the FPÖ was not considered as a parliamentary group in the Federal Council. Parliamentary groups can be established by at least 5 MPs. See the composition of the Federal Council: <https://www.parlament.gv.at/WWER/BR/Mandate1945/index.shtml> (last accessed 17.01.2019)

support and keep their influence on the decision-making process, the FPÖ and BZÖ insisted on the organisation of a national referendum. Even though supported by majority MPs, the nature itself of the referendum did not bring consensus. It was not in the FPÖ's interest anymore to keep the consensus, which explains why they rejected systematically government proposals and took their opposition role seriously. Thus, polarisation grew further between the FPÖ/BZÖ and coalition parties. Indeed, while the FPÖ became more active in defending its own interests in the parliamentary arena, majority MPs remained reluctant to use parliamentary instruments. Here, we observe that group discipline might be linked to political polarisation tendencies, therefore validating sub-hypothesis H1.3. Indeed, MPs stuck to their party's position on the treaties and voted according to it. The higher the ideological gap between parties and the more MPs needed to stick to their group's line to preserve their solidarity and credibility in Parliament. We can also argue that MPs' awareness about the Treaty of Lisbon certainly grew during this period due to the increased competition between parties.

We noticed that most active MPs were EAC members, both in the EU Main Committee and the EU Sub-Committee. The EU Main Committee was the main competent committee during the treaty negotiations, because it heard ministers and gave binding mandates before Council meetings. Most MPs who were actively involved in the follow-up of the Treaty of Lisbon were the same who followed the Constitutional Treaty. On top of that, we figured out that Eurosceptic opposition MPs with "Europeanised" profiles and EAC memberships became particularly active scrutinisers during this period. The fact that key players with "Europeanised" profiles dealt with the core questions of the Treaty of Lisbon validates sub-hypothesis H2.1. MPs from sectoral committees also counted among active key players, but were not as numerous as EAC members (Interview 16a, 2017). Polarisation probably encouraged their involvement, especially on the side of Eurosceptic opposition MPs (FPÖ, BZÖ), even though we could not establish a clear correlation. Therefore, we can only partially validate sub-hypothesis H2.2, because EAC members outnumbered sectoral committee members. Overall, a minority of parliamentarians handled institutional questions and Austrian priorities.

Among these EAC members, more than half occupied leading positions in their parliamentary group (either chairperson or Secretary General of a group). Those that did not belong to the EAC had nonetheless a leading position in their group. In both cases, it indicates again that ties with their respective party was important. Parties wanted to keep control over the discussions in Parliament through the group leaders, especially in a context of growing ideological tensions between the majority and the opposition.

The proportion of "Europeanised" profiles among the most active MPs is higher in the present situation than during negotiations on the previous treaty. Indeed, several MPs had already followed the Constitutional Treaty because of their high seniority in Parliament (more than 3 legislative periods) and handled EU affairs throughout their political career, even before their mandates. They were also (former) members of the COSAC delegation and other interparliamentary conference formats. For instance, the key player in the FPÖ who followed the most issues related to the Treaty of Lisbon was member of the Main Committee since 2006, was president of the FPÖ group in Parliament since 2006, as well as party leader since 2005. A Green MP was member of the Main Committee and EU Sub-Committee from 2006 until 2009,

had a long-term mandate in Parliament since 1999 and was deputy-chair of the Green group in Parliament at the time of the negotiations. A BZÖ member exerted his mandate since 1999, belonged to the Main Committee and was president of the BZÖ parliamentary group from 2006 to 2008. These examples confirm the description made in section 6.3.1.2 on key players involved in EU affairs. MPs' profiles show that the most actively involved in the follow-up of the Treaty of Lisbon exerted long-term mandates providing them with an extensive parliamentary experience. Their seniority and leadership functions in Parliament add legitimacy to their involvement, because their group and party see them as trusted EU experts.

However, membership in national unions did not seem to affect their activities. Few key players were at the same time member of a professional chamber or a trade union. Those who were member of a trade union organisation or professional chamber belonged mostly to the coalition parties SPÖ and ÖVP, because they were the most represented in these bodies. Following our observations in the previous part on the Constitutional Treaty, we also observed that MPs with memberships in national unions tended to defend domestic interests such as the preservation of national sovereignty, the neutrality principle or better information towards Austrian citizens. For instance, a key player from the FPÖ was President of the Austrian Confederation of the Freedomite Academics' Associations since 1978 (*Arbeitsgemeinschaft der Freiheitlichen Akademikerverbände Österreichs*). This confederation defends rather nationalistic positions about Austria and Austrian identity. Thus, it is no surprise that the MP rejected the ratification of the Lisbon Treaty <sup>330</sup>.

All things considered, the salience of the Treaty of Lisbon was higher in Austria than the Constitutional Treaty, because it transformed into a domestic political conflict. Civil society and newspapers supported the Eurosceptic campaign and put the coalition under pressure. Both majority and opposition MPs wanted to prioritise their own agendas in parliamentary debates. However, it did not lead to any mainstreaming of EU affairs, as only a limited proportion of MPs dealt with these questions. Our observations showed that MPs with "Europeanised" profiles remained the most active, just as in the previous section. Finally, we can affirm that the high salience of the Treaty of Lisbon and the growing political polarisation within the National Council led to an overall higher use of parliamentary scrutiny instruments (H1). Opposition MPs used them the most to publicise their position and criticise the Government.

#### *6.5.2 The Lisbon Treaty: an opportunity for institutional change within the National Council?*

The Lisbon Treaty did not only trigger higher parliamentary activity in the National Council, but also institutional change in form of laws and RoP amendments reinforcing Parliament's scrutiny rights. EAC members initiated discussions on institutional amendments but the main players that implemented the changes were the Constitutional Affairs Committee and the Committee on Rules of procedure (table O, appendix 1).

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<sup>330</sup> See motion for a resolution, FPÖ, 05.12.2007, 41<sup>st</sup> plenary session.

We witnessed that amendment initiatives originated mostly from EAC members, followed by members from the Constitutional Affairs Committee. Thus, we can affirm that the “political entrepreneurs” of change were predominantly EAC members, even though the examination of the amendments happened in the Constitutional Affairs Committee and the Committee on Rules of procedure. Most initiators came from the SPÖ-ÖVP majority and the Greens. Just as the “political entrepreneurs” of institutional revisions in the wake of the Constitutional Treaty, EAC members tended to be senior MPs with extensive knowledge of parliamentary practices. They followed previous treaties and some of them even initiated revisions in the context of the Constitutional Treaty. Among these EAC members, more than half participated in interparliamentary conferences. Several MPs were for instance COSAC members, which means that they followed the debates on the role of national parliaments on the EU level and transposed them into discussions within the National Council. Whereas experience in the Government did not seem to play a big role in MPs’ general involvement in reform discussions, we observe that the main initiators of change had such an experience and came exclusively from the SPÖ and ÖVP. This could once again prove that the majority and thus the coalition wanted to keep its hands on the revision process. Majority MPs being among the leaders of the debates gave them the possibility to orient the direction of change and limit any attempt to reinforce measures towards more government control. On top of that, leadership positions among “political entrepreneurs” of change were common, be it within the majority or the opposition. It might be a sign that reforms needed to be monitored carefully by each party through a representative in Parliament. Opposition MPs were particularly interested in more control rights.

Before the first IGC on the new EU treaty in June 2007, EU Main Committee members already discussed the role of national parliaments in European decision-making<sup>331</sup>. An SPÖ MP argued that parliaments should not only participate through the subsidiarity monitoring mechanism, but should be able to participate directly in European debates by giving concrete inputs. Overall, MPs were against the idea of a “red card” and the absolute veto possibility, the risk being to block the legislative process on the EU level. In October 2007, the FPÖ submitted a motion requesting a constitutional amendment to include national referenda on future EU treaty reforms<sup>332</sup>. The Constitutional Affairs Committee rejected the motion in its report on 25<sup>th</sup> March 2008. A majority of MPs adopted the report rejecting the motion on 09<sup>th</sup> April 2008. Moreover, several initiatives have been taken in the course of 2009 and 2010 to amend the RoP. On 17<sup>th</sup> April 2009, the Greens suggested several institutional improvements in a press conference. The party proposed that rapporteurs from the EP should be invited in the National Council depending on the EU dossiers. Ministerial departments should submit written explanations to each EU proposal. Specialised committees should deal with specific EU policies

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<sup>331</sup> 19.06.2007 : TOP 1 RAT 10494/07 Europäischer Rat am 21./22. Juni 2007 – Entwurf von Schlussfolgerungen (15287/EU XXIII.GP) , IV-3 der Beilagen zu den Stenographischen Protokollen des Nationalrates XXIII. GP

<sup>332</sup> Antrag der Abgeordneten Dr. Reinhard Eugen Bösch, Kolleginnen und Kollegen betreffend ein Bundesverfassungsgesetz, mit dem das Bundes-Verfassungsgesetz, BGBl. Nr. 1/1930 geändert wird (*Abhaltung einer Volksabstimmung bei Abschluß eines Staatsvertrages, der eine Gesamtänderung des Bundes-Verfassungsgesetzes bewirkt*) 10.10.2007  
[https://www.parlament.gv.at/PAKT/VHG/XXIII/A/A\\_00394/index.shtml#tab-ParlamentarischesVerfahren](https://www.parlament.gv.at/PAKT/VHG/XXIII/A/A_00394/index.shtml#tab-ParlamentarischesVerfahren) (last accessed 04.07.2018).

and obtain the same competences as the EU Sub-Committee. Some of these measures were implemented in 2011 in the EU-information law and RoP amendments.

Institutional revisions in 2009 might have been triggered in the National Council after the ruling of the German Federal Constitutional Court on 30<sup>th</sup> June 2009<sup>333</sup>. Indeed, the Austrian legal system is based to a great extent on the German model (see section 6.1.1). Moreover, the perception of the role of national parliaments in the EU is similar in Germany and Austria, because in both cases the national chamber is seen as the main decision-maker. Therefore, all parliamentary groups in the National Council insisted on strengthening Parliament's scrutiny rights. The German Court announced in its "Lisbon-judgment" that the accompanying law implementing the Treaty of Lisbon was not compatible with the German Constitution as long as parliament's participation rights in EU affairs were not further improved. Ratification would be only possible with a new accompanying law. The SPÖ announced at that time that it would consider changes to the National Council's RoP based on the ruling of the German Constitutional Court<sup>334</sup>. Whereas the complaint of the FPÖ and the subsequent ruling of the Austrian Constitutional Court had no effect on parliamentary work and reforms, the ruling in the neighbouring country did. At that time, the ÖVP did not see any amendments to the RoP as necessary.

However, after the ruling of the German Court, MPs from the SPÖ, ÖVP, BZÖ and FPÖ submitted two law proposals amending the RoP on 08<sup>th</sup> July 2009<sup>335</sup>. SPÖ MPs were probably the main initiators, gaining the support of their coalition partner and some opposition MPs. Contrary to the discussions on the Lisbon Treaty itself, tensions between parties on institutional revisions seemed to disappear, at least before the major revision named "Lissabon-Begleitnovelle" in 2010. MPs had a common vision that the National Council should be the main decision-maker in EU affairs. Therefore, they wished to encourage awareness within Parliament about EU issues. However, the positions diverged on the direction of change. For Eurosceptic opposition parties, it meant enlarging the debating arena and increasing their participation rights. Reforms should be a way to reinforce national competences and limit federalisation trends. For coalition parties and the Greens, amendments were necessary in the framework of the new subsidiarity monitoring. They wished to support European integration by promoting discussions on EU topics in Parliament. However, coalition partners were reluctant to reinforce procedures on government control. In the end, coalition partners were able to control the direction of change, because majority MPs closely monitored all revision proposals. The ÖVP designated one MP to become the rapporteur of all RoP amendments and procedural revision laws in 2009 and 2010, ensuring its influence on the scrutiny reforms. The general consensus on institutional change also allowed MPs with professionalised profiles to

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<sup>333</sup> See BVerfG, Urteil des Zweiten Senats vom 30. Juni 2009 - 2 BvE 2/08 - Rn. (1-421), [http://www.bverfg.de/e/es20090630\\_2bve000208.html](http://www.bverfg.de/e/es20090630_2bve000208.html) (last accessed 17.01.2019)

<sup>334</sup> See [https://diepresse.com/home/politik/eu/491552/LissabonVertrag\\_Urteil-hat-Auswirkung-auf-Oesterreich](https://diepresse.com/home/politik/eu/491552/LissabonVertrag_Urteil-hat-Auswirkung-auf-Oesterreich) (last accessed 17.01.2019)

<sup>335</sup> Antrag der Abgeordneten Mag. Barbara Prammer, Fritz Neugebauer, Mag. Dr. Martin Graf, Herbert Scheibner, Kolleginnen und Kollegen betreffend ein Bundesgesetz, mit dem das Bundesgesetz über die Geschäftsordnung des Nationalrates (Geschäftsordnungsgesetz 1975) geändert wird (*EU-Hauptausschuss, Europastunde, Aktuelle Europastunde, EU-Erklärungen*), [https://www.parlament.gv.at/PAKT/VHG/XXIV/A/A\\_00705/index.shtml#tab-Uebersicht](https://www.parlament.gv.at/PAKT/VHG/XXIV/A/A_00705/index.shtml#tab-Uebersicht) (last accessed 04.07.2018).

lead the process, because “technicians” were less interested. Therefore, we can say that parliamentary culture determined which “political entrepreneurs of change” became active, confirming sub-hypothesis H3.2.

The first amendment proposal suggested to replace the special EU plenary sessions with four EU topical debates per year and two debates close to EU summits (§74 RoP). The debates would follow the same rules as the special sessions: each parliamentary group would be able to choose alternatively a topic. Additionally, twice per year, MPs would discuss government members’ EU declarations. The Government would need to inform MPs on Council summits and Austria’s positions. Debates in the EU Main Committee should be video and audio recorded (§31 RoP). The Greens welcomed the initiative, but regretted that MEPs would not have the right to speak in these EU debates<sup>336</sup>. The second law proposal suggested among others to change the ratification procedure of EU treaties within the National Council by increasing the voting threshold. MPs requested that future treaty reforms would have to be adopted by a two-thirds majority of votes in Parliament and the presence of at least half of MPs (§84 RoP)<sup>337</sup>. The four-party law proposals were examined in a first reading in plenary on 23<sup>rd</sup> September 2009. The Committee on Rules of Procedure produced reports on each proposal that were adopted without amendments by all groups on 18<sup>th</sup> November 2009<sup>338</sup> (the Greens voted against the first law proposal). MPs discussed both reports during two plenary sessions on 10<sup>th</sup> and 11<sup>th</sup> December 2009. On 29<sup>th</sup> January 2010, MPs adopted the RoP modifications in plenary.

The most significant change was probably the constitutional revision initiated in 2010 (“Lissabon-Begleitnovelle”). It aimed to reinforce the scrutiny rights of the National Council in EU affairs in the wake of the Lisbon Treaty. The Greens established a working group to examine the constitutional revisions deriving from the entry into force of the Treaty of Lisbon. The party organised hearings with experts in February 2010. In parallel, the SPÖ and ÖVP mentioned the idea of a constitutional revision in form of a “Lissabon Begleitnovelle”. On 24<sup>th</sup> February 2010, the SPÖ-ÖVP coalition submitted a law proposal requesting amendments to the EU chapter in the Constitution<sup>339</sup>. The Greens welcomed the initiative and the three parties started negotiations on constitutional revisions in April 2010. An agreement between the three parties was reached on 24<sup>th</sup> June 2010. The Constitutional Affairs Committee examined and adopted the modified

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<sup>336</sup> 28.10.2009 RAT 12942/09 Tagung des Europäischen Rates am 29./30. Oktober 2009–Entwurf der erläuterten Tagesordnung(17860/EU XXIV.GP)

<sup>337</sup> Antrag der Abgeordneten Mag. Barbara Prammer, Fritz Neugebauer, Mag. Dr. Martin Graf, Herbert Scheibner, Dieter Brosz, Kolleginnen und Kollegen betreffend ein Bundesgesetz, mit dem das Bundesgesetz über die Geschäftsordnung des Nationalrates (Geschäftsordnungsgesetz 1975) geändert wird (*Anpassung an Änderungen des Bundes-Verfassungsgesetzes [Staatsverträge, Grenzänderungen, weisungsfreie Organe] und des Wehrgesetzes [Parlamentarische Bundesheerkommission] sowie an das Bundesfinanzrahmengesetz*), [https://www.parlament.gv.at/PAKT/VHG/XXIV/A/A\\_00702/index.shtml#tab-Uebersicht](https://www.parlament.gv.at/PAKT/VHG/XXIV/A/A_00702/index.shtml#tab-Uebersicht) (last accessed 04.07.2018).

<sup>338</sup> 18.11.2009, Parlamentskorrespondenz Nr. 991, EU-Debatten im Nationalrat werden neu gestaltet, Geschäftsordnungsausschuss stimmt Vier-Parteien-Antrag zu

<sup>339</sup> 24.02.2010, SPÖ, ÖVP, Verfassungsausschuss, Antrag der Abgeordneten Dr. Josef Cap, Karlheinz Kopf, Kolleginnen und Kollegen betreffend ein Bundesverfassungsgesetz, mit dem zur Durchführung des Vertrags von Lissabon das Bundes-Verfassungsgesetz und das Bundesverfassungsgesetz, mit dem besondere Bestimmungen für die Neuermittlung der Verteilung von nach der Wahl der Mitglieder des Europäischen Parlaments 2009 zu vergebenden Mandaten durch die Bundeswahlbehörde erlassen werden, geändert werden (Lissabon-Begleitnovelle), 978/A XXIV. GP



proposal on 30<sup>th</sup> June 2010, which was discussed and adopted by a two-thirds majority in plenary on 08<sup>th</sup> July 2010. The constitutional revision anchored the procedure of reasoned opinions, subsidiarity complaints (Article 23g and h) and “passerelle clause” (Article 23i) in the Constitution. The new article 23f regulated the obligation for government members to report to Parliament on the European Commission programme at the beginning of each year. The FPÖ rejected the amendments and voted against the constitutional law, because they considered that the subsidiarity monitoring was inefficient and a window-dressing competence (“Scheinkompetenz”).

The consensus broke between the FPÖ and the rest of the parties, because the party brought back ideological considerations in the discussions. Even the BZÖ criticised the FPÖ’s unwillingness to cooperate in the revision talks. The FPÖ wished to reinforce solely the Parliament’s competences on the national level by ignoring the useless subsidiarity mechanism. Two ideological camps formed during the debates on the “Lissabon-Begleitnovelle”: pro-European MPs in favour of deeper European Integration and Eurosceptic MPs rejecting the federalisation of competences. The Greens welcomed the modifications and the possibility for the National Council to send notifications to European institutions. The party succeeded in imposing several measures to strengthen the National Council’s participation rights. It also laid the foundations for an EU-information law and further RoP amendments modifying the EACs’ competences. Due to the two-thirds majority rule for constitutional amendments, the Greens’ support was essential for coalition partners. This might be the reason why the SPÖ and ÖVP accepted several amendments requested by the Greens, proof that political strategies even determined the direction of institutional change within the National Council. Both coalition partners highlighted the strengthening of the chamber’s participation rights, but pointed out that further improvements were needed. For instance, an ÖVP MP declared that the Parliament needed to create an EU database and to decentralise EU affairs<sup>340</sup>.

The coalition partners with the Greens initiated further amendments in 2011. The first set of modifications concerned the Parliament’s information policy in EU affairs. On 06<sup>th</sup> July 2011, the SPÖ, ÖVP and Greens submitted a proposal on an EU-information law<sup>341</sup>, together with RoP amendments on procedures in the EACs<sup>342</sup>. Just as previously, the coalition kept its control over the revision process and nominated an SPÖ rapporteur on the information law. The Constitutional Affairs Committee examined both proposals on 06<sup>th</sup> October 2011 and produced two reports asking the National Council to adopt the amendments. MPs adopted modifications

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<sup>340</sup> 08.07.2010, Parlamentskorrespondenz Nr. 592, Stärkere Rolle für Nationalrat und Bundesrat in Europa, Zweidrittelmehrheit für Lissabon-Begleitnovelle

<sup>341</sup> Antrag der Abgeordneten Mag. Christine Muttonen, Fritz Neugebauer, Dr. Alexander Van der Bellen, Kolleginnen und Kollegen betreffend ein Bundesgesetz, mit dem ein Bundesgesetz über Information in EU-Angelegenheiten erlassen wird (“EU-Informationsgesetz”, “EU-InfoG”) (*EU-Datenbank der Parlamentsdirektion*), [https://www.parlament.gv.at/PAKT/VHG/XXIV/A/A\\_01624/index.shtml#tab-Uebersicht](https://www.parlament.gv.at/PAKT/VHG/XXIV/A/A_01624/index.shtml#tab-Uebersicht) (last accessed 04.07.2018).

<sup>342</sup> Antrag der Abgeordneten Mag. Christine Muttonen, Fritz Neugebauer, Dr. Alexander Van der Bellen, Kolleginnen und Kollegen betreffend ein Bundesgesetz, mit dem das Bundesgesetz über die Geschäftsordnung des Nationalrates (Geschäftsordnungsgesetz 1975) geändert wird (*Verfahrensbestimmungen des Hauptausschusses und des Ständigen Unterausschusses des Hauptausschusses in EU-Angelegenheiten*), [https://www.parlament.gv.at/PAKT/VHG/XXIV/A/A\\_01657/index.shtml#tab-Uebersicht](https://www.parlament.gv.at/PAKT/VHG/XXIV/A/A_01657/index.shtml#tab-Uebersicht) (last accessed 04.07.2018).



to the EU-information law and RoP amendments in plenary on 20<sup>th</sup> October 2011. The required two-thirds majority of MPs adopted both laws on 15<sup>th</sup> November 2011. The FPÖ rejected both laws with the argument that the group was not involved in the discussions, while the BZÖ voted in favour of the EU-information law, but against RoP amendments. The EU-information law (“EU-InfoG”) provided detailed rules on the information flow between Parliament and Government. The latter became obliged to send explanatory notes on EU proposals to the EACs. MPs have now an extended right to submit written questions to ministers to request additional documentation on EU proposals. The law established EU debates in specialised committees and the possibility to organise special meetings on EU affairs in the EU Main Committee. The law also mentions the EU database. RoP amendments followed the constitutional revisions made in 2010 and widened EACs’ catalogue of competences. Additionally, the subsidiarity control and complaint mechanisms, as well as the procedure of notifications to the EU institutions, were added to the RoP.

In this section, we observed that the Treaty of Lisbon affected substantially the National Council’s scrutiny procedures. MPs undertook multiple revisions to strengthen their chamber’s participation rights and incorporate the new rules of the treaty into the Austrian constitutional order. These elements confirm hypothesis H3. The high salience of the Treaty of Lisbon seemed to have led to more institutional change compared to the Constitutional Treaty. In all cases, the majority in Parliament kept the direction of change under control, monitored narrowly by the Government via the coalition’s groups in the National Council.

### *6.5.3 Conclusion*

This part analysed parliamentary involvement in the context of the Treaty of Lisbon. We observed that the main players were EAC members with significantly more “Europeanised” profiles than it was the case during the Constitutional Treaty. EAC members were active both in the use of scrutiny instruments and as “political entrepreneurs” of parliamentary reforms. These elements indicate that EU affairs became increasingly the prerogative of a small circle of key players with a specific sociological profile: MPs with long-term mandates that followed negotiations on the Constitutional Treaty, with a membership in EACs, eventual experience in the executive and with leading positions in their respective party and/or parliamentary group. These profiles show that parliamentary activity during negotiations on the Treaty of Lisbon was dominated by highly professionalised MPs. The latter consistently defended their group’s EU line, which indicates also that group discipline was particularly strong during the negotiations. This group discipline highlighted the gap between treaty proponents and opponents.

Overall, political competition and polarisation played a predominant role in parliamentary activity. Parties instrumentalised a European event for their own electoral strategies. The Eurosceptic parties FPÖ and BZÖ were particularly active in the anti-EU and anti-Lisbon Treaty campaign. The use of parliamentary instruments showed clearly that FPÖ MPs were the most active in scrutinising the Government’s position on the Treaty of Lisbon, while coalition MPs abstained. An explanation could be MPs’ ideological position, based on

Eurosceptic feelings in the case of the FPÖ. FPÖ MPs tried to influence their Government's EU policy by defending domestic interests such as national sovereignty or a national referendum on the treaty. As the FPÖ had become weaker in the Federal Council, MPs tried to use other channels to impact decisions, such as the Austrian Constitutional Court. However, even though the complaint might have been an attempt to publicise the party's rejection of the Lisbon Treaty, the Court rejected the complaint and declared it non-admissible.

Moreover, civil society did not seem to influence MPs' parliamentary work either, with the exception of FPÖ MPs dependent on popular support. The number of key players with affiliations in a national union remained too low. On the contrary, we assume that Government-Parliament relations tended to be the prevalent dynamics affecting parliamentary activities in EU affairs. Political strategies between coalition and opposition MPs played a crucial role, both in the use of parliamentary instruments, but also in institutional revisions. Political competition could be found in discussions over scrutiny amendments. Coalition partners were strategically searching for support from the opposition to back revisions. Government parties wanted to oversee the discussions on procedural revisions by giving the task to write the committee reports to their own MPs. The FPÖ rejected revisions in 2010 and defended the preservation of national-based competences, rejecting window-dressing functions in the form of subsidiarity control procedures. Another external factor turned out to have influenced significantly parliamentary revisions: the "Lisbon-judgment" of the German Constitutional Court. Indeed, the ruling that allocated more powers to the German Parliament with regard to the scrutiny of EU affairs impacted Austrian MPs' own projects to reform their scrutiny system.

## 6.6 Evolution of parliamentary involvement in the context of negotiations on the ESM and the TSCG (2010-2013)

The last section focuses on parliamentary involvement during the economic crisis, especially in the context of the European Stability Mechanism (ESM) and the Treaty on Stability, Coordination and Governance in the European Monetary Union (TSCG). Basing on our three main hypotheses, we will explain the trends and motivations behind parliamentary involvement, as well as how these two treaties affected institutional change within the National Council.

### 6.6.1 *Parliamentary involvement in the framework of the negotiations on the ESM and the TSCG*

#### **General context**

After the Treaty of Lisbon, Eurosceptic sentiments stayed. The beginning of the economic and financial crisis in 2008 and especially the Greek crisis in 2010 exacerbated tensions between the political parties and anti-EU positions in the public opinion. In May 2010,

only 36% of the population thought that EU membership was a good thing<sup>343</sup>. Trust in the EU wavered between 2010 and 2012. In autumn 2010, 39% of Austrians trusted the EU<sup>344</sup>, against 45% in spring 2011<sup>345</sup> and only 37% in December 2012<sup>346</sup> after the ratification of the ESM and TSCG. The FPÖ gained popularity, for instance during municipal elections in Vienna in October 2010. The party won 27% of the voices, surpassing the ÖVP.

The EU Main Committee dealt increasingly with the financial crisis between 2008 and 2010, starting discussions on the Greek government-debt crisis in March 2010<sup>347</sup>. The SPÖ organised an EU topical debate on 21<sup>st</sup> April 2010 on the topic “Overcoming the crisis” (“Die Krise überwinden – mit sozialer Gerechtigkeit und einer neuen Finanzarchitektur”)<sup>348</sup>. The Finance Committee met on 12<sup>th</sup> May 2010 to discuss Greece’s help package<sup>349</sup>. Parliament started to deal with the ESM at the end of 2010, even though the treaty entered the National Council only in 2012. The EU Main Committee met on 16<sup>th</sup> December 2010 to discuss the establishment of a permanent stability mechanism for the Eurozone<sup>350</sup>. On 20<sup>th</sup> January 2011, a heated EU topical debate on the stability mechanism “Kein Euro-Haftungsschirm ohne Volksabstimmung, Herr Bundeskanzler” was organised at the request of the FPÖ<sup>351</sup>.

On 23<sup>rd</sup> March 2011, the EU Main Committee handled the ESM before the IGC on 24<sup>th</sup>-25<sup>th</sup> March and decided to establish a “firefighting committee” to obtain regular information on the negotiations. The EU Main Committee handled the financial stability of the Eurozone and first ideas to amend Article 136 TFUE to incorporate the ESM in the EU treaties on 22<sup>nd</sup> June and 19<sup>th</sup> July 2011<sup>352</sup>. Controversial debates on the ESM and the EFSF happened in the Budget Committee on 13<sup>th</sup> September 2011 and in plenary on 27<sup>th</sup> September 2011<sup>353</sup>. The increase of

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<sup>343</sup> Standard Eurobarometer 73, May 2010,

<http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/STANDARD/yearFrom/2009/yearTo/2014/surveyKy/917> (last accessed 04.07.2018).

<sup>344</sup> Standard Eurobarometer 74, Autumn 2010,

<http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/STANDARD/yearFrom/2009/yearTo/2014/surveyKy/918> (last accessed 04.07.2018).

<sup>345</sup> Standard Eurobarometer 75, Spring 2011,

<http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/STANDARD/yearFrom/2009/yearTo/2014/surveyKy/1019> (last accessed 04.07.2018).

<sup>346</sup> Standard Eurobarometer 78, December 2012,

<http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/STANDARD/yearFrom/2009/yearTo/2014/surveyKy/1069> (last accessed 04.07.2018).

<sup>347</sup> 24.03.2010 : 6493/10 CO EUR Europäischer Rat (25. und 26. März 2010) -Entwurf einer erläuterten Tagesordnung (267 17/EU XXIV.GP)

<sup>348</sup> 16.04.2010, Parlamentskorrespondenz Nr 263, Nächste Woche erstmals Aktuelle Europastunde im Nationalrat, Präsidiale berät Tagesordnungen für zwei Sitzungstage

<sup>349</sup> 12.05.2010: TOP 1 Aussprache über aktuelle Fragen aus dem Arbeitsbereich des Ausschusses gemäß § 34 Abs. 5 GOG - Hilfsmaßnahmen für Griechenland

<sup>350</sup> 16.12.2010 12345/10 CO EUR Europäischer Rat (Tagung am 16./17. Dezember 2010) - Entwurf einer erläuterten Tagesordnung (40797/EU XXIV.GP)

<sup>351</sup> 20.01.2011, 93. Plenary session, XXIV. Legislative period

<sup>352</sup> 22.06.2011 9786/11 CO EUR Europäischer Rat (Tagung am 23./24. Juni 2011) -Entwurf einer erläuterten Tagesordnung (51945/EU XXIV.GP), IV-13 der Beilagen zu den Stenographischen Protokollen des Nationalrates XXIV. GP; 19.07.2011: EUCO 49/11 PRESSE 250 PR - PCE 24 President Herman Van Rompuy convenes a meeting of Eurozone Heads of State or Government (56824/EU XXIV.GP), IV-15 der Beilagen zu den Stenographischen Protokollen des Nationalrates XXIV. GP

<sup>353</sup> 13.09.2011, Parlamentskorrespondenz Nr. 808, Budgetausschuss debattiert aktuelle europäische Finanzprobleme - Fekter zu Griechenland: Pleite viel teurer als Fortsetzung der Hilfe; 27.09.2011,

Austria's financial participation in the EFSF was rejected by the FPÖ and BZÖ, but supported by the Greens and the coalition. Discussions on the ESM continued in the EU Main Committee on 21<sup>st</sup> October, 07<sup>th</sup> December 2011 and 27<sup>th</sup> January 2012<sup>354</sup>. The EU Sub-Committee also discussed ESM-related matters on 22<sup>nd</sup> November 2011.

In January 2012, the EU Main Committee also started to handle the TSCG in parallel to the ESM. The Government Council approved the TSCG in March 2012 and transferred it to the National Council on 26<sup>th</sup> March 2012. In the meantime, both the ESM treaty and the European Council's decision to amend Article 136 TFUE entered Parliament on 21<sup>st</sup> March for the latter and 27<sup>th</sup> March 2012 for the former. The EU Main Committee debated about the efficiency of the ESM and the TSCG in its meeting on 30<sup>th</sup> May 2012. A first reading on the ESM was organised in plenary on 14<sup>th</sup> June 2012. Both treaties were transferred to the Constitutional Affairs Committee, which organised a hearing with legal experts to examine them on 28<sup>th</sup> June 2012<sup>355</sup>. The committee produced two reports on the ESM and the amendment of Article 136 TFUE and on the TSCG on 02<sup>nd</sup> July 2012<sup>356</sup>. The Constitutional Affairs Committee recommended the ratification of the ESM. The Fiscal Compact generated high controversy between opposition and majority. In parallel, the Budget Committee met to discuss both treaties. On 04<sup>th</sup> July 2012, the reports of the Constitutional Affairs Committee as well as the treaties were examined in plenary<sup>357</sup>.

The ESM treaty was adopted by 126 votes against 53 and the amendment of Article 136 TFUE was adopted by 125 votes against 53. Both coalition partners and Greens voted in favour of the ESM, while the FPÖ and BZÖ voted against it. The majority supporting the TSCG was not as high, because 103 MPs voted in favour of the treaty and 60 against it. The Greens harshly criticised the Fiscal Compact and rallied the FPÖ and BZÖ against the Government. Once the National Council ratified both treaties, they were transferred to the Federal Council. On 05<sup>th</sup> July 2012, the Committee on Constitution and Federalism examined the treaties. The latter were ratified in plenary on 06<sup>th</sup> July 2012.

The economic and financial crisis triggered heated debates between political groups in Parliament. The coalition parties supported the ESM, but its ratification was not straightforward from the beginning, as a two-thirds majority was required to adopt the amendments to Article 136 TFUE. The ÖVP and the SPÖ welcomed the ESM as a means to strengthen coordination between Member States. The coalition partners defended the idea of a tax on financial transactions and a stronger regulation of financial markets. Through the ESM, the EU's

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Parlamentskorrespondenz Nr. 843, Erhöhung des EFSF-Haftungsrahmens - Grünes Licht aus Österreich - S-V-G-Mehrheit im Ausschuss, NR-Beschluss voraussichtlich am Freitag

<sup>354</sup> 21.10.2011 13078/11 CO EUR-PREP 27 Europäischer Rat (Tagung am 17./18. Oktober 2011) - Entwurf der erläuterten Tagesordnung (58412/EU XXIV.GP); 07.12.2011 15950/11 CO EUR Tagung des Europäischen Rates (9. Dezember 2011) - Entwurf der erläuterten Tagesordnung (63753/EU XXIV.GP); 27.01.2012, EU HA, TOP 1 EUCO 6/12 Informal meeting of members of the European Council (69686/EU XXIV.GP) IV-18 der Beilagen zu den Stenographischen Protokollen des Nationalrates XXIV. GP

<sup>355</sup> 28.06.2012, Parlamentskorrespondenz Nr. 558, Euro-Schutzschirm: Positionen bleiben einzementiert, Keine Annäherung bei Hearing im Verfassungsausschuss des Nationalrats

<sup>356</sup> 02.07.2012, Parlamentskorrespondenz Nr. 574, Ampel für Euro-Schutzschirm und für Fiskalpakt steht auf Grün, Verfassungsausschuss schickt ESM und Begleitgesetze auf den Weg

<sup>357</sup> 04.07.2012, Parlamentskorrespondenz Nr. 586, Nationalrat: Faymann verteidigt ESM, Erklärung des Bundeskanzlers zur gemeinsamen Zukunft Europas; 04.07.2012, Parlamentskorrespondenz Nr. 587 vom 04.07.2012, ESM und Fiskalpakt nehmen Hürden im Nationalrat, Parteien bekräftigen ihre Standpunkte

competitiveness would be reinforced. The FPÖ and BZÖ expressed their strong disagreement with the Government's position on the ESM and rejected the treaty. The FPÖ requested a national referendum on any future EU treaty reforms and the exclusion from the Eurozone of Member States with bad macroeconomic situations. The party rejected any further help packages to Greece and criticised any establishment of a European transfer union or a European economic government. The ESM would be undemocratic, favour centralisation tendencies and signify the loss of Austria's financial and budgetary sovereignty by being subjected to a European "financial dictatorship"<sup>358</sup>. During the plenary session on 04<sup>th</sup> July 2012, the FPÖ group argued that the ESM would be an aberration and would contradict principles of the monetary union<sup>359</sup>. The Government would betray the population by promoting a debt-, transfer- and banking-union on the EU level. Moreover, the ESM would not guarantee Parliaments' democratic participation rights. The then FPÖ leader even qualified the ESM as a "sado-maso treaty" in light of all these elements<sup>360</sup>.

The BZÖ supported the FPÖ's position on a national referendum and pleaded for the creation of a "Euro core zone" and a "Euro light zone". The first would comprise Eurozone members from the North of the EU, while Member States from the South would be grouped in the second category. The coalition partners perceived the FPÖ's request for a referendum as a political spectacle.

The SPÖ criticised the apocalyptic arguments, scaremongering tactics and populist stances of the FPÖ and BZÖ. The Greens, on the other hand, supported the ESM, but required some further improvements. They asked for a better involvement of the EP, improved information policy with the Government on the national level, the establishment of a Convention on the creation of a democratically legitimate European economic government and the establishment of Eurobonds and a fiscal union. Moreover, the group would accept the ESM treaty only if a rule on creditor participation and debt settlement procedures were added. At first, the SPÖ argued that these proposals were unrealistic.

The ÖVP rejected the idea of a fiscal union. Both coalition partners also refused the establishment of Eurobonds. In the course of the ESM negotiations, the Greens turned out to be the only potential supportive partner for the majority groups to fulfil the required two-thirds majority to ratify the ESM. Divergences appeared within the coalition on the voting procedures. While the ÖVP thought to ratify the treaty with a simple majority, the SPÖ argued that a two-thirds majority was necessary because of the EU treaty revision<sup>361</sup>.

Finally, in June 2012, the government parties obtained the Greens' support in exchange of the establishment of a tax on financial transactions, Eurobonds, a European Convention and strengthened scrutiny and information rights for the National Council. The coalition had to make trade-offs to gain the Greens' support and fulfil the constitutional requirements. On 14<sup>th</sup> June 2012, the SPÖ, ÖVP and Greens submitted at short notice a common request modifying the agenda of the plenary. The groups wanted to include a first reading of the three-party motion

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<sup>358</sup> 13.09.2011, Parlamentskorrespondenz Nr. 808, Budgetausschuss debattiert aktuelle europäische Finanzprobleme - Fekter zu Griechenland: Pleite viel teurer als Fortsetzung der Hilfe

<sup>359</sup> 04.07.2012, Parlamentskorrespondenz Nr. 586, Nationalrat: Faymann verteidigt ESM, Erklärung des Bundeskanzlers zur gemeinsamen Zukunft Europas

<sup>360</sup> Ibid.

<sup>361</sup> 11.06.2012, Die Presse, « Rettungsschirm : Kein Alleingang der Koalition ».

on RoP amendments strengthening scrutiny rights on ESM matters<sup>362</sup>. The FPÖ accused the groups of constitutional breach through their “cloak-and-dagger operation”<sup>363</sup>. The FPÖ and BZÖ left the plenary in protest against the “common raid” of the coalition partners and the Greens against parliamentarism and democracy. Both the Eurosceptic parties and the media blamed the Greens for supporting the coalition with hope of participating in the next government<sup>364</sup>. Over the past weeks, the Greens had supported further coalition projects, which increased the gap between the “red-black-green trio” and the other opposition parties<sup>365</sup>. The SPÖ tended to be particularly willing to compromise with the Greens since the former won the municipal elections in Vienna. An informal coalition with the Greens would then serve political interests.

In light of the coalescence of the coalition parties with the Greens, the FPÖ resorted to another means to highlight its arguments on the ESM: the MP Heinz-Christian Strache, group leader of the FPÖ in Parliament, filed a complaint to the Austrian Constitutional Court on the illegality of the ESM Treaty. The MP accused the ESM to limit Parliament’s participation rights in the national decision-making because of the curtailing of the federal budget. The Austrian Court rejected the complaint on 25<sup>th</sup> February 2013 and concluded that the arguments were not enough justified and legitimate<sup>366</sup>.

Contrary to the ESM, a simple majority ratified the TSCG in Parliament. Coalition partners did not need the support of an additional party, which could explain why they did not attempt to negotiate with them. According to the SPÖ, the Fiscal Compact would ensure the stability of the Euro and could not be dissociated from the ESM. The ÖVP favoured solidarity in the EU. However, parties disagreed on budgetary discipline. Support to the Fiscal Compact crumbled within the SPÖ in the course of 2012, showing not only a tense opposition-majority relation, but also conflicts within the coalition. SPÖ members from Upper Austria expressed overtly their disagreement with the Government’s position on the Fiscal Compact<sup>367</sup>. Opposition parties, including the Greens, rejected the treaty. The latter submitted a minority report on 02<sup>nd</sup> July 2012 as a reaction to the report produced by the Constitutional Affairs Committee<sup>368</sup>. They criticised the intergovernmental nature of the TSCG, which would limit

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<sup>362</sup> The reinforcement of parliament’s scrutiny and information rights on ESM-related matters was one condition for the Greens’ support to the ESM treaty.

<sup>363</sup> 15.06.2012, Der Standard, « Ein Tiefpunkt, Nacht, Nebel und ein paar Hooligans »

<sup>364</sup> 15.06.2012, Der Standard, « Grüne «Musterschüler» »

<sup>365</sup> 03.07.2012, Die Presse, « ESM : Die nächste grüne Hilfsaktion », 04.07.2012, Die Presse, „Der Grüne „Koalitionär““

<sup>366</sup> See Beschluss, Verfassungsgerichtshof, 25.02.2013, [https://www.vfgh.gv.at/downloads/VfGH\\_G\\_104-12\\_SV\\_1-12\\_ESM\\_Strache.pdf](https://www.vfgh.gv.at/downloads/VfGH_G_104-12_SV_1-12_ESM_Strache.pdf) (last accessed 17.01.2019)

<sup>367</sup> 22.05.2012, Der Standard, « Fiskalpakt : Prammer plädiert für Abwarten »; 23.05.2012, Die Presse, „Trotz SPÖ-Kritik: Spindelegger hält an Fiskalpakt fest“

<sup>368</sup> 02.07.2012, Minderheitsbericht gemäss §42 Abs 4 GOG der Abg. Alexander Van der Bellen, Werner Kogler und Albert Steinhauser zum Bericht des Verfassungsausschusses zur Regierungsvorlage: Vertrag über Stabilität, Koordinierung und Steuerung in der Wirtschafts- und Währungsunion zwischen dem Königreich Belgien, der Republik Bulgarien, dem Königreich Dänemark, der Bundesrepublik Deutschland, der Republik Estland, Irland, der Hellenischen Republik, dem Königreich Spanien, der Französischen Republik, der Italienischen Republik, der Republik Zypern, der Republik Lettland, der Republik Litauen, dem Großherzogtum Luxemburg, Ungarn, Malta, dem Königreich der Niederlande, der Republik Österreich, der Republik Polen, der Portugiesischen Republik, Rumänien, der Republik Slowenien, der Slowakischen Republik, der Republik Finnland und dem Königreich Schweden (1725dBeil)



the EP's powers. They also pleaded in favour of a European Convention establishing a European financial area based on democratic legitimacy and approved by a European referendum. The BZÖ called proponents of the Fiscal Compact "betrayers of the Nation"<sup>369</sup>. All three opposition parties criticised the ratification procedure, arguing that the TSCG had constitution-amending consequences and should have been approved by a two-thirds majority in both chambers. Reproducing the FPÖ's strategy in the case of the ESM, they filed a complaint to the Federal Constitutional Court, which ruled on the constitutionality of the treaty in October 2013. The Court concluded that it could not identify a constitutional breach. The TSCG fell under international law and did thus not require a two-thirds majority in the National Council. This decision benefitted the coalition partners, as a simple majority would be sufficient in Parliament to ratify the TSCG. ÖVP and SPÖ had together the required quorum to pass the treaty without the support of the Greens, who turned their back on the coalition partners. In the case of both treaties and especially the TSCG, the ideological gap between the majority and the opposition grew bigger. Indeed, two visions of the EU confronted each other: FPÖ MPs rejected any federalisation attempts and defended the preservation of Austria's sovereignty; majority MPs and the Greens still supported a European-wide solution with the condition that Austria would not lose in the deal.

Negotiations on both treaties turned out to be highly polarised in Austria. We observed polarisation between the majority rallied by the Greens and the populist parties on the ESM. The Fiscal Compact led to divergences between coalition partners and the opposition, but also within the SPÖ and the Greens. While group discipline prevailed in the National Council in all parliamentary groups, the Greens were divided on the Fiscal Compact in the Federal Council. A Green MP voted in favour of both treaties, despite knowing the critical position of his party on the Fiscal Compact<sup>370</sup>. Ideological discrepancies led to looser group discipline within groups and a slight weakening of the coalition's credibility.

In all these cases, political strategies seemed to have played a significant role. The FPÖ aimed at attracting the attention of the population with prospects for higher electoral gains. They resorted to all possible channels, mainly in the National Council, but also through the Austrian Constitutional Court and the Federal Council by opposing systematically the treaty ratifications. The Greens negotiated conditions for their support to the ESM, knowing that the two-thirds majority requirements empowered them to pressure government parties. Just as in the case of the Treaty of Lisbon, both treaties were transformed into domestic stakes, which fuelled political conflicts and higher party competition. Austria's dependence over European economic and financial markets might explain why the ESM and the Fiscal Compact became salient matters.

### **Analysis of parliamentary activity**

The high salience of the economic crisis in Austria pushed parliamentary activity in EU affairs. Before discussions started on the ESM and the TSCG, the EU Main Committee, the

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<sup>369</sup> 04.07.2012, Parlamentskorrespondenz Nr. 587 vom 04.07.2012, ESM und Fiskalpakt nehmen Hürden im Nationalrat, Parteien bekräftigen ihre Standpunkte

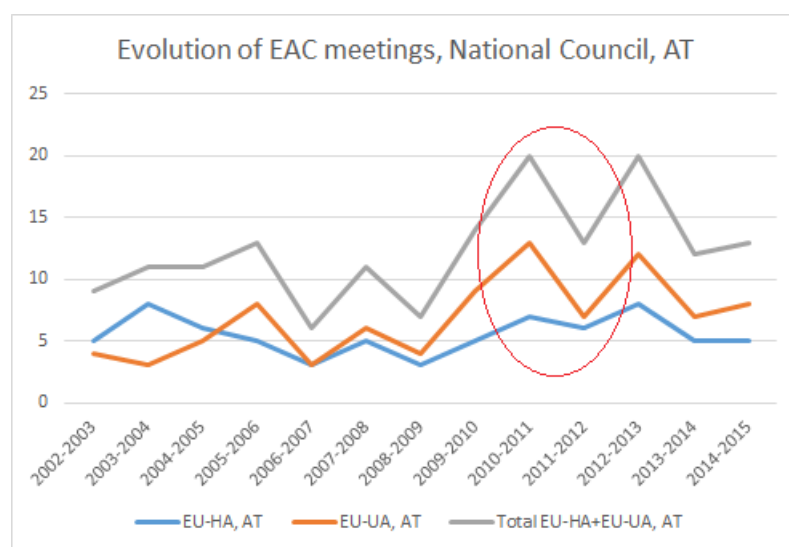
<sup>370</sup> See 811<sup>th</sup> plenary session, 06.07.2012, p31-33.



Budget Committee and the Finance Committee met several times in 2010 to debate the financial crisis and the Greek debt crisis (see the previous part). Between the end of 2010 and 2012, the EACs met 12 times to discuss the ESM and the Fiscal Compact. The Budget Committee and the Constitutional Affairs Committee met twice. MPs debated the treaties in five plenary sessions (see table P, appendix 1). The EU Main Committee led the debates, but the Constitutional Affairs Committee produced the reports on the treaties. Overall, the number of meetings on the ESM and the TSCG was not high, because the main interests lied in the Greek debt, the banking crisis and the financial crisis in general.

The number of EAC meetings reached its highest peak in 2010-2011, before decreasing in 2011-2012. We can explain the growth through higher activity of the EU Main Committee in the context of the economic and financial crisis. Indeed, institutional issues falling into the EU-HA competences appeared more often on the agenda, such as the role of parliaments in the management of the crisis, IGCs on financial packages or the future of the EU. On the contrary, meetings on the ESM and TSCG themselves were rather limited.

**Figure 53: Number of EAC meetings in the context of the ESM and TSCG (in total), National Council**



Source: Own calculations.

These trends fluctuate when we observe the use of parliamentary instruments. Indeed, the proportion of parliamentary questions on EU affairs remained stable and even decreased in 2011-2012 (see figure 46). Opposition parties tended to use this scrutiny tool more often than majority MPs. The same trends can be observed with the number of motions, interpellations and resolutions on EU affairs. Their proportion grew in 2010-2011 and in 2012-2013<sup>371</sup>. A reason for this fluctuation could be the higher salience of the Greek debt crisis in 2010 that raised attention in Parliament. Compared to the Lisbon Treaty, both ESM and TSCG also affected substantially parliamentary activity, especially among opposition MPs. Between 2010

<sup>371</sup> MPs adopted 46 motions on EU affairs in 2010-2011, 34 in 2011-2012 and 41 in 2012-2013. 9 interpellations on EU affairs were submitted in 2010-2011, 3 in 2011-2012 and 10 in 2012-2013. These data were retrieved from the parliament's document online database, <https://www.parlament.gv.at/PAKT/VHG/> (last accessed 04.07.2018).

and 2012, MPs submitted 30 motions for an opinion, 4 motions for a resolution and 9 questions on the ESM and/or the TSCG (see table Q, appendix 1).

The initiators of the listed parliamentary instruments are predominantly opposition MPs. FPÖ MPs were the most active, followed closely by BZÖ and GRÜNE MPs. Just as the Lisbon Treaty, political ideologies and positioning on the political spectrum played a crucial role in MPs' involvement. Indeed, opposition parties, especially the FPÖ and BZÖ, put all their efforts in the preservation of their interests. Their Eurosceptic stance on the treaties pushed them to use more frequently the scrutiny instruments to show their disapproval. In particular, the FPÖ and BZÖ used the parliamentary tools to publicise their positions. They benefitted from the growing Eurosceptic sentiments among the population to nurture their discourses. For them, staying close to the voters' opinions was tactical to increase their influence on the parliamentary decision-making. It is no surprise that active FPÖ and BZÖ MPs had local political functions, as it ensured them a closer link to their voters. They used the European context to emphasise national interests through sometimes aggressive rhetoric. The financial crisis would be synonym of sovereignty loss, centralisation, de-parliamentarisation and against democracy.

Eurosceptic parties also used the Eurozone crisis as an electoral argument during the election campaign in 2013. They were the only ones addressing EU issues in their campaign (Meyer, In: Maurer/Neisser/Pollak, 2015). Sub-hypotheses H1.1 and H1.2 seem to be confirmed. While pro-European MPs supported their Government during the negotiations on the ESM and the TSCG, Eurosceptic parties systematically rejected the financial measures. Pro-European MPs did not use as much parliamentary instruments to scrutinise the Government's EU policy than Eurosceptic parties. Majority MPs barely used scrutiny instruments, probably because they followed the same strategy of government support as for the previous treaties. The high salience of the treaties in a crisis context exacerbated polarisation trends between parties, but also within parties (Greens and SPÖ). For instance, the growing pressure of social partners on the Government's social policy during the crisis could explain the split within the SPÖ on EU politics (Eichborst/Weishaupt, 2013). In the case of the financial crisis, both national and European levels were tied together in parties' discourses (Puntscher Riekmann/Wydra, 2013). The gap between Eurosceptic and pro-European stances widened, while group discipline became loose. Single MPs started to disagree with their party's line in a highly conflictual environment. Therefore, we cannot validate sub-hypothesis H1.3, because polarisation seemed to weaken group discipline. Moreover, the high polarisation pushed to higher parliamentary activity from the side of opposition MPs. Indeed, Eurosceptic MPs representing a minority in Parliament used more frequently parliamentary tools as a means to publicise their position and attract voter support.

The analysis of key players' profiles shows some slight differences with the previously identified profiles in the context of the Constitutional and Lisbon treaties. Whereas MPs who followed the previous treaties were either predominantly political leaders in their group/party and/or EAC members with extensive parliamentary experience, MPs' profiles differ slightly in the case of the ESM and the TSCG. We still observe that EAC members were particularly involved, followed closely by Finance Committee members. Indeed, a new category of expert MPs seemed to take over the role of key players: budget and finance speakers, EU speakers and

MPs with memberships in national unions focusing on economic and financial policies. Therefore, awareness seemed to grow among MPs, breaking out of the limited circle of “Europeanised” EAC members and extending towards sectoral committees. However, only the Finance Committee, the Budget Committee and the Constitutional Affairs Committee dealt more intensively with the ESM and the TSCG. As we will show below, we can only partially confirm hypothesis H2, because awareness did not seem to have spread across the lower chamber.

The first group of active key players is composed of highly professionalised EAC members. Most of them, independently from their parliamentary group, had a long-term mandate in Parliament and extensive experience in EU affairs. Several MPs had already followed the previous EU treaties. In light of these elements, we can already validate sub-hypothesis H 2.1, because MPs with “Europeanised” profiles were the most involved in treaty negotiations. Opposition MPs that belonged to the EAC used the committee as an arena to defend their group’s opinion. The fact that most opposition MPs occupied leadership positions as well indicates once more that their aim was to publicise their party’s position in Parliament. As opposition groups have less resources and influence capabilities on parliamentary work, they have to resort to their “experts” in the group to lead the debates. Group spokespersons, whether member of the EAC or the Finance Committee, were also actively involved in the scrutiny of the treaties. We identified budget and finance spokespersons belonging to the SPÖ, ÖVP and GRÜNE, as well as EU spokespersons from the SPÖ and FPÖ. For instance, an FPÖ MP belonged to both EACs from 2008 to 2013 and was EU and Foreign Affairs speaker of the group (Interview 11a, 2017). One Green MP was former Finance speaker until 2008 and became EU speaker in 2012. He was at the same time budget expert in the Vienna Chamber of Labour. These spokespersons contributed to their party’s profiling in debates on the economic crisis and the help packages. The party and parliamentary group as essential arenas of decision-making were thus predominant in parliamentary discussions. MPs debated the economic crisis mainly in party working groups or informally within their parliamentary group. These were the main arenas of decision-making before MPs defended positions in committee or plenary debates.

Contrary to the other treaties, experience in Government did not seem to play a predominant role. However, the Government still kept control over the ratification process in Parliament, just as in the case of the previous treaties. Indeed, each rapporteur on the ESM and the TSCG came respectively from the ÖVP and the SPÖ. Even though discussions happened in cooperation with the other groups, the final reports bared the trace of the coalition’s position.

EAC members from the SPÖ and the Greens were the only ones with an experience on the EU level (EP or parliamentary conferences). For instance, the typical profile of an active EAC member would be Alexander Van der Bellen (GRÜNE), MP from 1994 until 2012, member of the Main Committee since 2006 and of the EU Sub-Committee from 2008 until 2012, active during negotiations on the Constitutional and the Lisbon Treaty as leader of the Green parliamentary group.

Finance Committee members were the second most active players. Here we can assume that the political polarisation certainly pushed sectoral committee members to become active, but that committee competences played a bigger role. Therefore, we can only partially confirm sub-hypothesis H2.2. Several Finance Committee members were also simultaneously member

of the EAC. The reason why the Finance Committee got more involved in discussions on the ESM and TSCG lies in its competences and the nature of the debates. The decentralisation efforts made within the National Council gave more competences to the Finance Committee, because these treaties dealt mainly with budget and finance issues. MPs with double memberships in the Finance Committee and the EAC thus benefitted from their specialised knowledge on finance and EU matters, which was clearly an advantage in their involvement. Members of the Finance Committee tended to have less parliamentary experience than EAC members (with the exception of one ÖVP MP who was both EAC member and Chair of the Finance Committee). This can be explained by the fact that a large proportion of active Finance Committee members were recently elected FPÖ MPs. Indeed, five FPÖ key players were either full members or deputy members of the Finance Committee, whereas only two ÖVP MPs, one SPÖ MP, two BZÖ MPs and two Green MPs belonged to this committee. MPs from other groups belonged mainly to the EACs. The low seniority among FPÖ and BZÖ MPs might show that new MPs instrumentalised the treaties and the context of the economic crisis to publicise their activities in Parliament and gain voters' sympathies. Their objective was their re-election thanks to political profiling.

This can also explain why we find more key players with memberships in national unions involved in discussions on the ESM and the TSCG. FPÖ MPs with a membership in a national union tend to be more numerous, followed by ÖVP MPs. We also observed that FPÖ MPs belonged mainly to regional entities, for instance business chambers, while the rest of the MPs involved in civil society organisations belonged to federal entities. FPÖ MPs' memberships in regional organisations probably strengthened their sceptical position on the ESM and the TSCG. As explained above, their link to the local level was stronger than for majority MPs, so they could rely on stronger popular support through their nationalistic discourses. For instance, an FPÖ MP was member of the regional presidium of the Circle of Freedomite Entrepreneurs of Upper Austria. This organisation emphasises the protection of the national economy and regional autonomy<sup>372</sup>. Without surprise, the MP favoured the exclusion from the Eurozone of Member States with a bad macroeconomic situation (16.12.2010, motion for an opinion). Another FPÖ MP was member of the regional council of the Business chamber of Upper Austria since 1989 and requested a referendum on Austria's participation in the ESM (31.03.2011, oral question). On the contrary, MPs from the ÖVP-SPÖ coalition who belonged to national unions might have used their position in civil society to highlight even more their arguments in favour of both treaties. For instance, an ÖVP MP was former member of the Federation of Austrian Industrialists from 1966 to 1991, as well as former Secretary General of the Austrian Business Chamber until 2000. He was also Chair of the Finance committee between 2008 and 2010, supporting the ESM just as the Austrian Business Chamber, but requesting more parliamentary participation rights.

Expert knowledge on economic and financial matters, originating from either MPs' professional experience, their membership in civil society organisations or their political functions in Parliament was clearly a predominant sociological feature found in key players' profiles. A reason could be the complexity of the matters, which required specific competences and knowledge. While the previous treaties dealt mostly with broad institutional questions, the

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<sup>372</sup> <https://www.fw.at/> (last accessed 17.01.2019)

ESM and the TSCG concerned solely the European economic and financial policy fields. Therefore, specialised knowledge might have overridden “Europeanised” profiles.

#### *6.6.2 The ESM and the TSCG: an opportunity for institutional change within the National Council?*

The ESM triggered substantial institutional change within the National Council. As the ESM was considered as a Constitution-amending treaty requiring a two-thirds majority, institutional revisions were necessary. On the contrary, the TSCG did not affect the constitutional order to the same extent and did not require a two-thirds majority because of its intergovernmental nature. Revisions in this context were not seen as primordial. The Greens initiated amendments to the RoP and the Federal Constitution as a condition for their support to the ESM. The Constitutional Affairs Committee was the main examiner of the amendments in the context of the ESM, while EAC members pushed the discussions in plenary (see table R, appendix 1).

Green MPs can be seen as one of the main political entrepreneurs of change, because they pressured majority MPs to revise the Constitution and the RoP to strengthen the discussion culture on EU affairs within the National Council. The Greens as the only opposition party that showed conditional support to the Government’s position on the ESM defended their own interests and managed to trigger institutional change in exchange of the ratification of the ESM. Institutional change was thus the results of political strategies and party competition. Indeed, coalition partners had to make concessions for the ratification of the ESM and the TSCG. A two-thirds majority was needed for the approval of the ESM, which required the support of at least one opposition group. As the FPÖ rejected the treaty, the Greens were the only viable partner. They used the situation to impose conditions towards stronger parliamentary scrutiny of EU affairs. If we observe more closely the profile of key players that participated in the debates on procedural revisions in the wake of the ESM, we see that the main amendment initiators from the ÖVP, SPÖ and the Greens were senior members of the EAC or the Constitutional Affairs Committee. Even though Finance Committee members were also active in the discussions, they focused more on the crisis itself rather than on procedural amendments.

Again, MPs with the most knowledge on parliamentary practices led the discussions on institutional revisions. Some of the senior MPs also had prior experience in the Government. Their motivations might have been profiling in order to be nominated again in Government. In any case, MPs with previous government experience might tend to control the direction of change for the benefit of their coalition. However, overall, experience in government was very limited among the “entrepreneurs” of change in the context of the ESM. In fact, the main reason lies in the high proportion of opposition MPs with recent mandates that participated in the discussions. Active FPÖ and BZÖ MPs had low seniority in Parliament, but most of them had leadership positions in their group or party. These features prove that they used debates on procedural revisions to continue the publicisation of their position on the economic crisis for political profiling. Their recent mandates pushed them to seek re-election, rather than promote revisions. In addition, as these groups had limited ways to influence the decision-making in

Parliament, they resorted to the same means as during the previous treaties: they relied on their group and party leaders to convey their message and try to weigh on the legislative process. Here, we assumed that conflictual political environments would encourage non-EAC or MPs with “technician” profiles to become more active. Even though some “political entrepreneurs” of change from the opposition had a lower professionalisation level in EU affairs, EU experts remained the main initiators. Therefore, sub-hypothesis H3.2 can only be partially confirmed.

Discussions on parliamentary participation rights in the context of the financial crisis started in 2011<sup>373</sup>. On 13<sup>th</sup> June 2012, the SPÖ, ÖVP and Greens submitted a motion amending the Constitution (ESM-Begleitnovelle)<sup>374</sup> and a motion amending the RoP<sup>375</sup>. Both motions foresaw the inclusion of new legal provisions in the wake of the ESM treaty, especially with regard to parliamentary participation and information rights. Just as for the previous amendment proposals, the Government closely monitored discussions. An ÖVP MP was nominated to become the rapporteur on the “ESM-Begleitnovelle” and further RoP amendments. On 14<sup>th</sup> June 2012, a plenary debate was organised on the foreseen RoP amendments. The SPÖ pleaded for the establishment of two committees specialised in ESM-related matters<sup>376</sup>. The Constitutional Affairs Committee examined both motions on 02<sup>nd</sup> July 2012 and produced two reports that were adopted in plenary respectively on 04<sup>th</sup> and 06<sup>th</sup> July 2012<sup>377</sup>. The FPÖ and BZÖ rejected both amendments. The law amending the Constitution was transferred to the Federal Council, which adopted it on 06<sup>th</sup> July 2012.

The “ESM-Begleitnovelle” anchored the articles 50a to 50d in the Constitution<sup>378</sup>. The Constitution mentions now the National Council’s participation in ESM matters (Article 50a BVG). The Austrian ESM representative can only take decisions on the modification of instruments, the increase of financial capital or the grant of financial help to a Member State

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<sup>373</sup> 05.12.2011, Parlamentskorrespondenz Nr. 1192, Die Demokratie in Zeiten der Eurokrise, "Sind wir am Weg zur Eurokratie ? - Diskussion im Parlament"

<sup>374</sup> Antrag der Abgeordneten Dr. Peter Wittmann, Dkfm. Dr. Günter Stummvoll, Dr. Alexander Van der Bellen, Kolleginnen und Kollegen betreffend ein Bundesgesetz, mit dem das Bundes-Verfassungsgesetz und das Zahlungsbilanzstabilisierungsgesetz geändert werden (ESM-Begleitnovelle), [https://www.parlament.gv.at/PAKT/VHG/XXIV/A/A\\_01985/index.shtml#tab-Uebersicht](https://www.parlament.gv.at/PAKT/VHG/XXIV/A/A_01985/index.shtml#tab-Uebersicht) (last accessed 04.07.2018).

<sup>375</sup> Antrag der Abgeordneten Dr. Peter Wittmann, Dkfm. Dr. Günter Stummvoll, Dr. Alexander Van der Bellen, Kolleginnen und Kollegen betreffend ein Bundesgesetz, mit dem das Bundesgesetz über die Geschäftsordnung des Nationalrates (Geschäftsordnungsgesetz 1975) geändert wird (*Mitwirkungsrechte des Nationalrates an der innerstaatlichen Willensbildung in Hinblick auf die laufende Tätigkeit des Europäischen Stabilitätsmechanismus*), [https://www.parlament.gv.at/PAKT/VHG/XXIV/A/A\\_01986/index.shtml#tab-Uebersicht](https://www.parlament.gv.at/PAKT/VHG/XXIV/A/A_01986/index.shtml#tab-Uebersicht) (last accessed 04.07.2018).

<sup>376</sup> 14.06.2012, Parlamentskorrespondenz Nr. 494, Erster großer Schlagabtausch im NR-Plenum zum Euro-Schutzschirm, Nationalrat soll umfassende Mitwirkungsrechte beim ESM erhalten

<sup>377</sup> 02.07.2012, Bericht des Verfassungsausschusses über den Antrag 1985/A der Abgeordneten Dr. Peter Wittmann, Dkfm. Dr. Günter Stummvoll, Dr. Alexander Van der Bellen, Kolleginnen und Kollegen betreffend ein Bundesgesetz, mit dem das Bundes-Verfassungsgesetz und das Zahlungsbilanzstabilisierungsgesetz geändert werden (ESM-Begleitnovelle), 1878 der Beilagen zu den Stenographischen Protokollen des Nationalrates XXIV. GP; 02.07.2012, Bericht des Verfassungsausschusses über den Antrag 1986/A der Abgeordneten Dr. Peter Wittmann, Dkfm. Dr. Günter Stummvoll, Dr. Alexander Van der Bellen, Kolleginnen und Kollegen betreffend ein Bundesgesetz, mit dem das Bundesgesetz über die Geschäftsordnung des Nationalrates (Geschäftsordnungsgesetz 1975) geändert wird, 1879 der Beilagen zu den Stenographischen Protokollen des Nationalrates XXIV. GP

<sup>378</sup> 25.07.2012, BGBl. I Nr. 65/2012, Bundesgesetz, mit dem das Bundes-Verfassungsgesetz und das Zahlungsbilanzstabilisierungsgesetz geändert werden (ESM-Begleitnovelle), [https://www.ris.bka.gv.at/Dokument.wxe?Abfrage=BgblAuth&Dokumentnummer=BGBLA\\_2012\\_I\\_65](https://www.ris.bka.gv.at/Dokument.wxe?Abfrage=BgblAuth&Dokumentnummer=BGBLA_2012_I_65)



with the lower chamber's prior approval (Article 50b BVG). Moreover, the responsible minister has to inform the chamber on all matters linked to the ESM. The National Council can then issue opinions that need to be taken into consideration by the Austrian representative in the ESM (Article 50c BVG). Finally, article 50d mentions the establishment by the Budget Committee of two sub-committees on ESM matters.

Additionally to these constitutional amendments, the SPÖ, ÖVP and Greens managed to anchor additional rights in the RoP<sup>379</sup>. Members of the ESM directorate and the governors' board can now participate and speak in debates of the ESM subcommittees (§20c GOG-NR). The establishment of a permanent subcommittee on secondary market measures and a subcommittee on ESM matters is now mentioned in §32f and 32g GOG-NR. The permanent ESM subcommittee can empower the Austrian representative in the ESM to accept or refuse changes in the share capital of the ESM and to decide about provisions on new instruments (§32h GOG-NR). On top of this, the ESM subcommittee can submit opinions and resolutions on legislative drafts and documents related to ESM matters (§32i and 32j GOG-NR). Whole paragraphs were also added in §74 GOG-NR. The RoP mentions explicitly that the National Council participates in ESM matters (§74c GOG-NR). In case of an emergency, the ESM subcommittee can also transfer a matter to the plenary where government members must make a declaration followed by a debate (§74d GOG-NR). The ESM subcommittee obtained the same functions and structure as the EACs (Interview 6a, 2017). The ESM subcommittee can bind ministers and obtain specific information. The ESM subcommittee met for the first time on 02<sup>nd</sup> October 2012 and is composed of 16 members nominated by the Budget Committee. However, it became only active in October 2013 and met four times between October 2013 and August 2015. This very low number of meetings can be explained by the fact that the ESM subcommittee decides only on help packages to Member States, which did not happen often on the EU level over the past years. The rest of the time, the subcommittee is in a "standby mode".

The amendments to the RoP also strengthened the lower chamber's information rights ("ESM-Informationsordnung" or ESM information law). A third section within the RoP mentions now explicitly the conditions for the transfer and management of documents linked to ESM matters. The "ESM-Informationsordnung" was amended one more time in 2014<sup>380</sup>. The responsible minister has to inform the National Council on all budgetary measures in the framework of the ESM (§1) and on decisions taken by the ESM bodies concerning their composition or competences (§2). The minister has also to inform Parliament through a written note on Austria's participation in financial help packages for Member States (§3). Moreover, after a quarter of the year, the responsible minister has to submit a report to Parliament on the measures taken within the ESM framework (§6). These wide-scoped revisions might have been pushed by the ESM-ruling of the German Constitutional Court on 19<sup>th</sup> June 2012<sup>381</sup>. Indeed, the ruling pointed out the obligation of the German Government to inform the German Parliament

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<sup>379</sup> 25.07.2012, BGBl. I Nr. 66/2012, Bundesgesetz, mit dem das Bundesgesetz über die Geschäftsordnung des Nationalrates (Geschäftsordnungsgesetz 1975) geändert wird, <https://www.ris.bka.gv.at/eli/bgbl/I/2012/66> (last accessed 04.07.2018).

<sup>380</sup> 29.12.2014, BGBl. I Nr. 99/2014

<sup>381</sup> See

[https://www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/DE/2012/06/es20120619\\_2bve000411.html](https://www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/DE/2012/06/es20120619_2bve000411.html) (last accessed 17.01.2019)



at the earliest possible stage on all matters related to the ESM. In the same line with this ruling, the coalition partners with the Greens' support initiated changes in the National Council. Procedural reforms were thus based on the German model. After a second ruling of the German Constitutional Court in September 2012, both ÖVP and SPÖ representatives welcomed the decision on the ESM and TSCG to strengthen even more the prerogatives of national parliaments in budgetary matters<sup>382</sup>. The Greens welcomed only the German ruling on the ESM.

To conclude, the ESM affected parliamentary scrutiny rights in the sense that the Greens requested new provisions in order to improve parliamentary involvement. Several RoP amendments and a new information law were adopted, which confirm hypothesis H3. The salience of the ESM treaty and the new participation rights induced by it pushed parliamentary groups to initiate change. Political strategies and competition played a bigger role in institutional change than MPs' conviction about the role of their parliament in the EU decision-making. Contrary to the previous treaties, amendments did not unite the parties and bring consensus. One main reason could be the highly controversial debates on the economic crisis, which fuelled exasperation among FPÖ and BZÖ MPs. The latter were influenced by the Eurosceptic civil society and based their strategy on gaining popular support to attract voices from the mainstream parties. On the side of the coalition partners, revisions were undergone as a condition for the Greens' support to the ESM. The Government still managed to direct the changes through its majority in Parliament. Overall, according to the Green EU collaborator, the new participation rights in the framework of the ESM have been barely implemented (Interview 5a, 2017).

### *6.6.3 Conclusion*

In this section, we analysed parliamentary involvement during negotiations on the ESM and the TSCG. We observed that the degree of polarisation was very high and fuelled party competition. The gap grew bigger between opposition and majority MPs, within the opposition between the FPÖ/BZÖ and the Greens and finally within the coalition between SPÖ and ÖVP. Despite discrepant views and crumbling group discipline, coalition parties managed to make concessions to the Greens to gain their support for the ratification of the ESM. The deal between coalition parties and the Greens led to institutional change within the National Council. Even for such salient matters, we could not observe a mainstreaming trend within Parliament. However, polarisation grew even more in the case of the TSCG. The Greens rejected the treaty. Political strategies played a crucial role in both cases. Indeed, the Greens' support was only needed for the ESM as its ratification required a two-thirds majority. The party saw the opportunity to impose its own political interests (the strengthening of the parliament's scrutiny rights). The FPÖ and the BZÖ used both treaties to sharpen their anti-EU discourse and gain popularity among the voters. Complaints to the Austrian Constitutional Court against the ESM (FPÖ) and the TSCG (FPÖ, BZÖ and GRÜNE) were attempts to mediatise their rejection of the treaties. As the Federal Council was only involved at the last moment to ratify the treaty,

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<sup>382</sup> See <https://news2.orf.at/stories/2140502/2140531> (last accessed 17.01.2019)

the groups had no real impact on the treaties through this channel. The Committee on Federalism and Constitution of the upper chamber examined all treaties at once on 05<sup>th</sup> July 2012<sup>383</sup> and ratified them the day after, giving no opportunity to groups to publicise their positions to the same extent as in the National Council. In the end, the Austrian Constitutional Court as a channel of action turned out to be favourable to the coalition, as both treaties were not considered to breach the Austrian Constitution. The TSCG could even be ratified with a simple majority, releasing the SPÖ-ÖVP coalition from the need to search for support in the opposition.

Parliamentary involvement in the context of both treaties showed that the circle of active MPs remained small. Eurosceptic MPs were particularly involved and used parliamentary instruments to defend their own interests. Key players were either EAC members with an extensive parliamentary experience, or members of the Finance Committee with more recent mandates. The expert profile in economic and financial matters emerged as well, proof that both treaties became a matter of domestic interest. The fact that numerous key players were as well members in a national union, be it professional chambers or interest groups, also underlines the argument that domestic interests affected MPs' actions in Parliament. While we can explain EAC members' involvement by their genuine interest for European integration (whether pro- or anti-European), expert MPs member of Austrian interest groups focused mostly on national priorities. Overall, we can conclude that the professionalisation level among MPs grew substantially compared to the Treaty of Lisbon and even more to the Constitutional Treaty.

The ESM triggered further institutional change within the National Council. Political strategies seemed to play a crucial role, as the Greens conditioned their support to the ESM to an improvement of the Parliament's participation rights in EU affairs. Contrary to the TSCG, which was voted by a simple majority, the ESM required a two-thirds majority, which made the support of the Greens necessary. While parliamentary debates on the treaties themselves and on institutional amendments were monopolised respectively by opposition MPs from the FPÖ, BZÖ and the Greens, the actual influencers of the legislative process were still the coalition partners. Moreover, an external event might have certainly accelerated the revision process inside the National Council. Indeed, the German Constitutional Court ruled on the ESM mid-2012, while SPÖ-ÖVP and Green MPs were negotiating the direction of the structural and procedural revisions. While the ruling of the Austrian Constitutional Court on the ESM might have only given the green light for the ratification of the treaty, the ruling of the German Court might have affected directly the participation rights of the National Council. The historic decision on the role of the German Bundestag in EU affairs encouraged Austrian MPs to follow the German example. The ruling was thus an opportunity to back institutional change in the Austrian National Council.

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<sup>383</sup> See [https://www.parlament.gv.at/PAKT/VHG/XXIV/I/I\\_01716/index.shtml#tab-ParlamentarischesVerfahren](https://www.parlament.gv.at/PAKT/VHG/XXIV/I/I_01716/index.shtml#tab-ParlamentarischesVerfahren) (last accessed 17.01.2019)

## 6.7 Summary and conclusion

The present chapter aimed to explain the evolution and origin of parliamentary involvement in EU affairs in the Austrian National Council. We observed that the lower chamber developed substantial scrutiny rights since Austria's accession to the EU in 1995. Parliamentary participation rights are anchored in the Federal Constitution, the RoP and several information laws. Despite these strong formal capacities, effective parliamentary activity in EU affairs remained quite limited since the Constitutional Treaty. Some explanations could be MPs' limited time to deal with EU affairs due to their double mandates, multiple committee memberships and the centralisation of these issues in the EACs. Moreover, involvement depended highly on party discipline and political strategies. The neocorporatist culture also influenced the way coalition MPs act in Parliament. Sociological Institutionalism permitted to identify MPs' opinions on European integration and the treaties. Ideologies and personal motivations clearly played a role in their involvement. Political competition, conflicts and strategic interests as explanatory factor of parliamentary involvement seemed to confirm arguments from the Theory of Endogenous Institutional Change.

Each treaty exacerbated political competition and polarisation, which in turn influenced parliamentary involvement (H1). Party dynamics in the form of government-parliament and opposition-majority competition determined most parliamentary activity from the Constitutional Treaty to the TSCG. MPs' political priorities depended on the extent to which they perceived the treaties to affect the domestic institutional framework. The Lisbon Treaty, the ESM and the TSCG seemed to be the most salient treaties, because they affected directly MPs' parliamentary rights and ideologies on European integration. Before the split of the FPÖ in 2005, parties welcomed the Constitutional Treaty despite divergent ideological positions. The internal tensions in the FPÖ and the eviction of the party from the Government led to a different political landscape after 2005. The FPÖ started to criticise systematically the Government's position on the Treaty of Lisbon, the ESM and the TSCG. Euroscepticism grew within the Green party and even the SPÖ during the financial crisis. We observed that Eurosceptic MPs tended to use more frequently parliamentary instruments than pro-European MPs to scrutinise the treaties (H1.1). Their strategy was to use EU issues to defend national interests.

Growing salience meant that opposition MPs had to resort to all possible means and channels to supersede their position in Parliament. Within the National Council, they actively used parliamentary instruments to scrutinise their Government's EU policy. The government-parliament channel and all its resources being out of hand, they also turned towards other institutions such as the Austrian Constitutional Court. Overall, parliamentary activity grew since 2004. Majority MPs tended to follow their Government's political line, while opposition MPs, both Eurosceptic and pro-Europeans, were the most active in criticising the coalition parties (H1.2). Polarisation grew from one treaty to the other and affected more or less group discipline (H1.3). The Constitutional Treaty did not trigger as much conflicts and competition as the Treaty of Lisbon, the ESM and the TSCG. The financial crisis represented probably the paroxysm of polarisation. While the FPÖ and BZÖ rejected systematically the treaties, the

Greens agreed to ratify the ESM only if coalition parties considered their political interests. Within parliamentary groups, divergent opinions on the crisis started to appear, even between coalition partners and within the SPÖ and ÖVP. Discrepancies could be found notably within the Green group, both in the National Council and in the Federal Council<sup>384</sup>. For instance, a member of the Federal Council belonging to the Green party voted in favour of the ESM and the TSCG, even though the Green group in the National Council rejected vehemently the TSCG.

The growing political competition during the Treaty of Lisbon and the economic crisis between government parties and the FPÖ/BZÖ, and later the Greens, translated into the use of other channels on the national level to publicise the position of opposition parties. The weak competences of the Federal Council in the ratification process of European treaties pushed opposition MPs to use another institution with an essential influence on the Austrian legal system: the Federal Constitutional Court. Indeed, we assume that the lack of resources and personnel in both parliamentary chambers, resulting in a weak influence on the decision-making process, forced opposition MPs to resort to other means of actions outside of the parliamentary sphere, without success. Government parties kept their hands on the negotiations and the final decisions on the treaties, even though they had to face the challenge of crumbling party and group discipline in recent years.

Within Parliament, higher salience and polarisation did not lead to a mainstreaming of EU affairs (H2). Indeed, the salience of each treaty raised partially MPs' awareness about EU affairs. Most still think that EU affairs are complex and specialised matters. A sociological analysis of MPs' profiles showed that only "Europeanised" MPs tended to become particularly active in the follow-up of EU treaties (H2.1). The financial crisis represented an exception in the sense that a new type of expert MPs emerged as key players alongside the predominant category of "Europeanised" EAC members (H2.2). Following sociological features characterise the latter category: long-lasting mandates, experience in the Government, party and/or group leadership, participation in European parliamentary conferences, experience as EU group speaker, educational background close to EU affairs, professional experience linked to EU affairs and interest for European integration. Only very few MPs that participated in pre-accession talks and interparliamentary meetings with the EP between 1990 and 1994 stayed in Parliament after the accession and became active during EU treaty negotiations. For them in particular, pre-accession talks surely sensitised them to EU affairs and pre-determined their political career in the National Council.

These elements indicate that highly professional MPs with close links to the Government led most legislative decisions regarding all the treaties. During debates on the economic crisis, expert key players from sectoral committees, mostly the Finance Committee, exerted recent mandates. Their priorities were different from MPs with "Europeanised" profiles. Moreover, they tended to be member of a national union. Most opposition MPs had this type of profile and used their political functions to promote their party's position and criticise the Government. Their objective was clearly to gain popular support by using all possible channels, be it inside or outside Parliament. Memberships in interest groups were more numerous during

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<sup>384</sup> The Greens were never considered a group in the Federal Council, as they did not have the minimum quorum of 5 members.

negotiations on the ESM and the TSCG, than the Treaty of Lisbon and the Constitutional Treaty. This observation clearly indicates that the nature of EU issues changed and seemed to affect even more national interests. Especially FPÖ MPs with affiliations in regional professional chambers tended to prioritise domestic interests when using parliamentary instruments. Overall, we observed that the level of professionalisation increased throughout the years. MPs' professionalisation in EU affairs also meant that mainstreaming was unlikely to happen. Even though there were efforts to include formally sectoral committees in the examination of EU affairs, it was insufficient to encourage mainstreaming within the lower chamber.

The salience of EU and intergovernmental treaties, influenced by political ideologies, sociological features and competition in the form of opposition-majority dynamics, determined to a large extent institutional change (H3). Even though the Austrian National Council had already a well-developed scrutiny system, MPs initiated multiple amendments in the wake of the Lisbon Treaty and the ESM. Therefore, in the case of the Austrian chamber, we cannot validate sub-hypothesis H3.1, because MPs modified their procedures even though their scrutiny system counted already among the strongest.

Revisions of scrutiny procedures also seemed to depend on parliamentary culture and the extent of political competition (H3.2). Coalition parties with the support of the Greens were the main initiators of institutional change. Contrary to parliamentary activity on the treaties, where we observed a shift from the role of "Europeanised" MP to the role of sectoral expert, institutional revisions remained between the hands of pro-European MPs, mostly from the majority, with an extensive experience in EU affairs. Coalition partners controlled systematically the direction of change in Parliament through their majority. Profiles of individual key initiators in each parliamentary group show that EAC members and "Europeanised" MPs were the main "entrepreneurs" of change, some of them being at the same time members of the Constitutional Affairs Committee or the Committee on Rules of Procedure. Their political position on European integration and their positioning on the political spectrum influenced their involvement in procedural changes. Indeed, we notice that pro-European MPs were the main initiators of change, be it from the opposition or the coalition. Most revisions happened in the wake of the Treaty of Lisbon and the ESM, the two most salient and controversial treaties in Parliament. While consensus reigned until the Treaty of Lisbon between coalition and opposition parties on RoP amendments, revisions during the ESM happened in a highly conflictual context. Political competition determined the direction and extent of procedural change within the National Council. In the cases of the Lisbon Treaty, the ESM and the TSCG, external factors such as the rulings of the German Constitutional Court might have affected significantly institutional change within the National Council in the form of Constitutional amendments and RoP revisions.

The analysis of the direction and extent of institutional change operated within the National Council indicates that legal provisions were added gradually to the existing rules, confirming sub-hypothesis H3.3. Indeed, institutional change in the National Council happened through "layering. In the context of the Constitutional Treaty and the Lisbon Treaty, the chamber added successive rules onto pre-existing ones through constitutional and RoP amendments, as well as information laws. However, the economic crisis and to some extent the

Lisbon Treaty (subsidiarity mechanism) pushed the Parliament to create new rules from scratch to guarantee its effective participation rights in the scrutiny of ESM matters and the control of the subsidiarity principle. Parliament kept pre-existing institutions and did not aim to replace the whole system. The Theory of Endogenous Institutional Change argues that actors' conflicting interests and coalition formations trigger change. This argument cannot be observed for revisions after the Constitutional Treaty and the Treaty of Lisbon. Indeed, change in the wake of the Treaty of Lisbon originated in a rather consensual atmosphere between opposition and majority MPs. Change seemed to have been triggered through normative rule reinterpretation rather than conflictual interests and strategical tactics. However, the deal made between the Greens and the SPÖ-ÖVP coalition in the wake of the ESM seems to fit the explanation given by the Theory of Endogenous Institutional Change. In fact, the Greens were competing against the coalition to pass amendments in return of their support. The Green party contested the existing rules and managed to form an alliance with the coalition parties to impose change within Parliament. The Theory of Endogenous Institutional Change states that strategical interests lead actors to form alliances to change their institutional environment. This assumption was confirmed in the wake of the ESM. However, more than political strategies, MPs' motivations determined institutional change as well. Forced to adapt to a constantly changing European institutional framework, a limited number of MPs endorsed the role of "political entrepreneurs" of change in an attempt to strengthen their own participation rights. Change originated from bottom-up endogenous dynamics in response to European events.

To conclude, European treaties brought with them increased parliamentary involvement in EU affairs within the National Council, in form both of higher parliamentary activity and of institutional change. However, motivation to engage in EU affairs remains generally limited to a small circle of professionalised MPs. Historical and Sociological Institutionalism both helped to explain how and why parliamentary involvement changed in Austria, in light of the interaction between MPs' motivations and their institutional framework.

## Chapter 7. Parliamentary involvement in EU affairs in the Finnish Eduskunta

The third empirical chapter focuses on parliamentary involvement in EU affairs in the Finnish Eduskunta. Just as the previous chapters, we will outline the overall institutional framework with a particular emphasis on the actors and steps of the legislative process (7.1). Then, we will explain how the Eduskunta handles EU affairs (7.2). The section 7.3 will be dedicated to MPs' profiles and how their institutional environment affects their parliamentary activity in EU affairs. The three following sections 7.4, 7.5 and 7.6 will draw on the elements analysed in the previous sections. Each section will handle a particular treaty and analyse how and why parliamentary involvement in EU affairs evolved within Parliament.

### 7.1 Finland: General institutional framework

Finland is a unitary state composed of powerful local governments. The Åland Province represents an exception, because it became autonomous in 1918. The self-governed province has a special language status, as well as its own unicameral parliament, the "Lagting". On top of that, the Åland Province can send one representative to the Eduskunta<sup>385</sup>. Finland shifted from a semi-presidential system to a parliamentary democracy after the Constitutional revision of 2000, when the President's competences were reduced (Arter, 2000; Karvonen, 2014). However, some elements from the semi-presidential regime persist nowadays (Paloheimo, In: Karvonen/Paloheimo/Raunio, 2016). Just as Luxembourg and Austria, the Finnish political system bases on consensus and corporatism (Raunio, 2005). Until the 1990s, a consensus based political system was all the more important for Finland, as the country had to maintain peaceful contacts with its neighbour, the Soviet Union. Thus, consensus drove Finland's internal and foreign policy style. Until recently, "achieving national unity and avoiding public cleavages" were crucial elements in Finland's political decision-making (Raunio, p.387, 2005).

Finland started to develop its foreign policy in the 1960s by enhancing its neutral position in Europe. Due to its position between the Soviet Union and Western Europe, Finland encouraged initiatives to ensure peace and stability in Northern Europe. The country suggested the establishment of a Conference on Security and Cooperation in Europe (CSCE) and hosted several events such as the SALT negotiations in 1969 and the signing of the CSCE in 1975 in Helsinki (Pesonen/Riihinen, 2002). Until the end of the Cold War, Finland tried to stay close to the Soviet Union through valuable foreign trade exchanges, while ensuring commercial relations with Western states, for instance through the European Free Trade Association (Raunio/Wiberg, 2001). From the late 1980s until the fall of the Berlin Wall, the country moved closer to the European Community. The collapse of the Soviet Union represented a trigger for Finland's accession to the European Union. Finland applied for the European Economic Area

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<sup>385</sup> See The Constitution of Finland, 11 June 1999, Chapter 3 - The Parliament and the Representatives, *Section 25 - Parliamentary elections*



in 1990. In 1992, following the initiatives of Austria and Sweden, the Social Democratic Party (SDP), the National Coalition (KOK) and the Swedish People's Party (RKP) suggested to submit an application for EU membership. In 1994, the accession treaty was signed and a referendum on the membership with positive results validated the accession. Finland became a member of the European Union in 1995, alongside Austria and Sweden. The EU membership was seen in Finland as an opportunity to be fully integrated in a bigger western community and to benefit from the internal economic market after a deep national recession in the early 1990s. Just as Austria, Finland had to integrate quickly the "acquis communautaire" in its political system. Constitutional reforms were undertaken to create a national and parliamentary EU scrutiny system.

### *7.1.1 Actors of the legislative process*

The first section explains the role of the main Finnish actors in the legislative process. Based on consensual and corporatist practices, the executive and Parliament are the main leaders of decision-making, relying heavily on the opinion of civil society representatives. Political parties dominate government and parliament relations in a complex polarised and fragmented pluralist political system.

#### *7.1.1.1 The executive: the President and the Government*

The executive in Finland is bicephalous, even though the President of the Republic lost considerable power since the Constitutional reform of 1999 and the parliamentarisation of the political regime. According to the Finnish Constitution, the "governmental powers are exercised by the President of the Republic and the Government, the members of which shall have the confidence of the Parliament"<sup>386</sup>. Before 1999, the President could influence the formation of the governmental cabinet by nominating the formateur and even dissolve the Parliament without consulting neither Parliament nor Government. The President led bilateral negotiations with party leaders to determine the candidate for the Prime Minister position (Aylott/Blomgren/Bergman, 2013). The President of the Republic was considered as the supreme executive power and the exclusive holder of the competences in foreign policy (Raunio/Wiberg, 2008). Strong formal presidential powers in foreign policy were justified until the late 1980s by the Cold War and Finland's difficult position as a small state between the Soviet Union and the Western bloc. Foreign policy was strictly separated from domestic policy and excluded from "the normal democratic field" (Tiilikainen, p.76, 2006).

Since 1999, the President has the competence to appoint ministers depending on the Prime Minister's proposal<sup>387</sup>, but is excluded from the coalition-building process. Officially, the President nominates the candidate that will form the Government, but parliamentary groups

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<sup>386</sup> See The Constitution of Finland, 11 June 1999, Chapter 1 - Fundamental provisions, *Section 3 - Parliamentarism and the separation of powers*

<sup>387</sup> The Constitution of Finland, 11 June 1999, Section 61 – Formation of the Government.

decide about the government formation. According to Section 61 of the 1999 Constitution, “[t]he Parliament elects the Prime Minister, who is thereafter appointed to the office by the President of the Republic. The President appoints the other Ministers in accordance with a proposal made by the Prime Minister. Before the Prime Minister is elected, the groups represented in the Parliament negotiate on the political programme and composition of the Government”<sup>388</sup>. With the constitutional reform in 1999, the President’s foreign policy competences have been considerably diminished to the benefit of the Prime Minister. The new Constitution states that the President has competences in traditional foreign policy in cooperation with the Government<sup>389</sup>. The latter is responsible for European Affairs, including the foreign and security policy, which was previously between the hands of the President (Palosaari, 2013). Since the Treaty of Lisbon, the President cannot attend anymore European Council meetings with the Prime Minister (Raunio/Wiberg, In: Brouard/Costa/König, 2012). The double-headed representation in the European Council meetings was detrimental for Finland’s foreign policy, as confusion reigned over the official Finnish representative of foreign affairs on the EU level. The constitutional reform of 2012 restrained one more time the President’s ability to influence the national follow-up of Treaty reforms, shifting the competence towards the Government and Parliament (Raunio, 2012).

Finnish governments are typically surplus majority coalitions composed of parties from the left and the right of the political spectrum (Raunio, 2012). Between 1995 and 2003, the Government consisted of “rainbow coalitions” including all the parties in Parliament, except the Centre party (KESK) and the Christian Democrats (KD). Between 2003 and 2007, the first Vanhanen cabinet was led by the Centre (KESK), the Social Democratic Party (SD) and the Swedish People’s Party (SFP). In 2007, the second Vanhanen cabinet was composed of a centre-right coalition formed between the KESK, the National Coalition Party (KOK), the Green League (VIHR) and the Swedish People’s Party (SFP). The 2011 elections led to the establishment of a “six-pack” cabinet composed of six parties, both from the left and the right. The Katainen cabinet included the KOK, SD, Left Alliance (VAS), VIHR, SFP and KD. Only two parties stayed in opposition. The table hereunder sums up the main government formations from 1999 until today.

**Table 16: Coalition governments in Finland, 1999-2019**

Period	Government formation
<b>1999-2003</b>	Second Lipponen cabinet: KOK, SD, SFP, VAS, VIHR
<b>April-June 2003</b>	Jäätteenmäki cabinet: KESK, SD, SFP
<b>2003-2007</b>	First Vanhanen cabinet: KESK, SD, SFP
<b>2007-2011</b>	Second Vanhanen cabinet: KESK, KOK, VIHR, SFP
<b>June 2010-June 2011</b>	Kiviniemi cabinet: KESK, KOK, VIHR, SFP
<b>2011-2014</b>	Katainen cabinet: KOK, SD, VAS, VIHR, SFP, KD
<b>June 2014-May 2015</b>	Stubb cabinet: KOK, SD, VIHR, SFP, KD
<b>2015-2017</b>	Sipilä cabinet: KESK, PS*, KOK
<b>2017-2019</b>	Sipilä cabinet: KESK, KOK, Blue Reform**

<sup>388</sup> Idem.

<sup>389</sup> The Constitution of Finland, 11 June 1999, Chapter 8 - International relations, *Section 93 - Competence in the area of foreign policy issues*

Sources: Aylott et al., 2013; Raunio, 2012.

\*PS: True Finns

\*\*In 2017, the True Finns split into two parties: the True Finns and the Blue Reform Party. The True Finns left government.

Contrary to the model of Scandinavian parliamentarism characterised by minority governments, cohesive parties and informal deals between government and opposition, the Finnish political system is particular due to its broad coalitions backed by a large majority in parliament and the lack of bipolarisation between parties (Arter, 2000). The emergence of a Finnish model of consensual democracy happened only in the 1980s. Indeed, before that date, Finland was considered to have the most unstable cabinets, with 43 government cabinets since 1945 (Karvonen, 2014). Oversized cabinets, surplus majority coalitions and a weak opposition have since replaced the unstable governments. In this perspective, the 2011 elections represented a challenge to Finnish consensualism, as the True Finns gained substantial power on the political scene. The populist Party obtained its highest score in the legislative elections and shook up the coalition formation dominated by the largest mainstream parties (KESK, KOK, SD). Elections are all the more crucial as the government formateur comes from the party with the largest number of seats in parliament. The formateur becomes the Prime Minister and nominates the government members.

The Government is composed of the Prime Minister and ministers responsible before Parliament<sup>390</sup>. The Prime Minister is not considered as the cabinet leader, but rather as being equal to the other ministers. Parties exert the actual power in cabinet (Karvonen, 2014). The Prime Minister manages the Government's activities and chairs the Council of State or plenary meetings of the Government<sup>391</sup>. The Council of State is composed of a minimum quorum of five ministers, as well as the Chancellor of Justice appointed by the President of the Republic. The Council of State's main task is to prepare government bills before submitting them to the President, who transfers them to the Eduskunta. The preparation of the meetings of the Council of State happens in four cabinet committees: the cabinet committee for foreign and security policy, the cabinet committee for the European Union, the cabinet fiscal committee and the cabinet committee for economic policy (Karvonen, 2014). Once discussions have been led in the committees, the Council of State meets in plenary.

In addition to the cabinet committees, ministers belong to 12 working groups on particular topics: educational policy, energy and climate policy, Russian affairs, Sami affairs<sup>392</sup>, integration and migration policy, etc. Since the 1990s, the leaders of the coalition parties formed an internal informal cabinet represented in the most important cabinet committees and ministerial working groups, with the aim to control the well-functioning of the ministerial governance (Paloheimo, In: Karvonen/Paloheimo/Raunio, 2016). According to Paloheimo, the Finnish executive takes the form of a "mixture of eroded formal presidential rule, weakened cabinet government, and increased ministerial governance, supervised by a growing network of government committees and ministerial working groups" (Paloheimo, p.78, In: Karvonen/Paloheimo/Raunio, 2016). The predominance of parties in the functioning and

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<sup>390</sup> The Constitution of Finland, 11 June 1999, Section 60.

<sup>391</sup> *Idem*, Section 66.

<sup>392</sup> The Sami are an indigenous community living in Northern Europe and representing a minority in Finland.

management of the Government is also reflected in the government-parliament relations. Indeed, through Government, parties manage to control the Eduskunta. According to Raunio, “governments have been able to rule without effective dissent from the Eduskunta” (Raunio/Wiberg, In: Strøm/Müller/Bergman, 2006). We will see later that this type of relationship affects group discipline within Parliament and parliamentary activity.

#### *7.1.1.2 The Eduskunta*

The Eduskunta as a unicameral parliament exerts the legislative power according to Section 3 of the Finnish Constitution. The autonomous Åland Province has its own directly elected parliament<sup>393</sup>. The latter is responsible to draft legislation for the Åland Islands and is composed of 30 members. The President of the Republic opens and closes the parliamentary sessions both of the Eduskunta and the Åland Parliament<sup>394</sup>.

Through the parliamentarisation of the Finnish political system, the Eduskunta regained its powers that it had lost since the 1970s with the strengthening of governmental coalitions (Paloheimo, In: Karvonen/Paloheimo/Raunio, 2016). Parliamentary groups dominate negotiations on the establishment of the government cabinet. Once the government programme and portfolios have been decided, the Eduskunta nominates the formateur as Prime Minister<sup>395</sup>. Parliament can initiate motions of no confidence following an interpellation or at the request of the opposition during a plenary debate (Raunio/Wiberg, In: Strøm/Müller/Bergman, 2006). Parliament controls the Government through various instruments, such as questions (written and oral) or interpellations. According to section 3 of the Finnish Constitution, the Eduskunta holds the legislative power and decides on State Finances. Legislative initiatives can emanate either from the Government or from the Parliament. MPs can submit legislative, budgetary or petitionary motions<sup>396</sup>. Parliament has extensive information rights. The Government is obliged to inform immediately the responsible committees on all matters that need to be taken into consideration during the legislative process<sup>397</sup>. The Government must also submit annual activity reports and reports on State finances to the Eduskunta<sup>398</sup>. The Parliament also controls the Bank of Finland by electing the board of supervisors, the Social Insurance Institution and the Finnish Broadcasting Company. International treaties need to be ratified by the Eduskunta. The latter has strong participation rights in EU matters, as we will see later on. The Åland Parliament can also submit legislative initiatives to the Finnish Government, which will transfer them for consideration to the Eduskunta<sup>399</sup>. The Åland Province can also participate directly in the national parliamentary work through its representative in the Eduskunta.

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<sup>393</sup> Act on the Autonomy of Åland (1991/1144), Section 3, [https://www.finlex.fi/fi/laki/kaannokset/1991/en19911144\\_20040068.pdf](https://www.finlex.fi/fi/laki/kaannokset/1991/en19911144_20040068.pdf) (last accessed 13.06.2019)

<sup>394</sup> See The Constitution of Finland, 11 June 1999, Section 33 and Act on the Autonomy of Åland (1991/1144), Section 14.

<sup>395</sup> The Constitution of Finland, 11 June 1999, Section 61 and 62.

<sup>396</sup> *Idem*, Section 39.

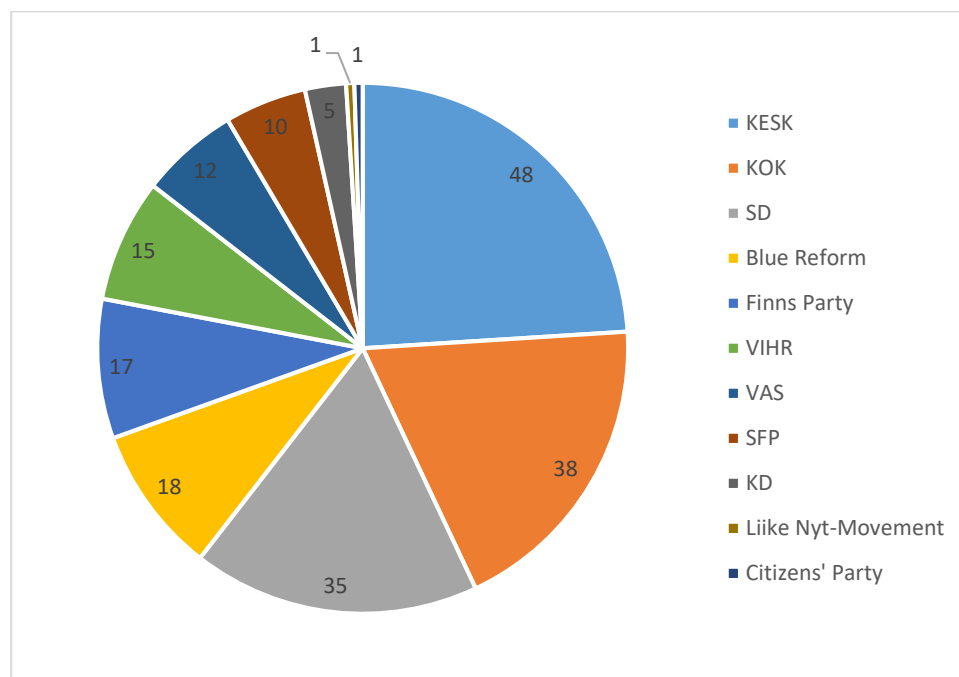
<sup>397</sup> *Idem*, Section 47.

<sup>398</sup> *Idem*, Section 46.

<sup>399</sup> Act on the Autonomy of Åland (1991/1144), Section 22.

The Eduskunta has 200 members elected for four years through a combination of proportional list system and mandatory candidate voting. There is no threshold for entry into parliament. Small parties get a chance to gain seats in parliament thanks to the proportional system. The list system obliges voters to vote for a single candidate, making the number of seats per party dependent on the number of votes on the whole list (Karvonen, 2014). The preferential “candidate vote” brings MPs closer to the citizens and brings popular personalities to power (Arter, 2012). The challenge ensuing from this system is the difficulty for parliamentary groups to control these candidates and to ensure group discipline within Parliament (Raunio/Wiberg, 2008). The individualisation of the voting system tends to increase the risk of group or party defection whenever votes have to be cast in the Eduskunta (Raunio/Wiberg, In: Strøm/Müller/Bergman, 2006). Moreover, ties between cabinet members and MPs from coalition parties can be very strong and give little space to the opposition in the legislative process (Karvonen, 2014). The current composition of the Eduskunta reflects the highly fragmented multi-party system, as shown in the graph below. The Centre Party has currently the biggest group with 48 MPs. It is followed by the National Coalition with 38 MPs, the Social Democrats with 35 MPs, the Blue Reform Parliamentary group with 17 MPs, the Finns with 17 MPs, the Green parliamentary group with 15 MPs, the Left Alliance with 12 MPs, the Swedish People’s Party with 10 MPs, the Christian Democrats with 5 MPs and finally the Liike Nyt-Movement and the Citizens' Party with respectively one MP each.

**Figure 54: Composition of the Eduskunta (in total), 2015-2019**



Source: Own calculation, based on the Eduskunta’s website

<https://www.eduskunta.fi/EN/kansanedustajat/Pages/default.aspx>

Notes: KESK = Centre Party; KOK = National Coalition Party; SD = Social Democratic Party; VIHR = Green League; VAS = Left Alliance; SFP = Swedish People’s Party; KD = Christian Democratic Party

There are currently nine parliamentary groups in the Eduskunta. MPs can choose whether they want to belong to a parliamentary group. Usually, MPs choose to belong to their

party's parliamentary group. Whenever an MP is nominated in the Government, he/she can keep the parliamentary functions, but has to resign from all committee memberships (Interviewees 4b and 7b, 2018). There is no incompatibility rule between the Eduskunta and ministerial functions. MPs can choose to become member of two out of 15 permanent special committees and a Grand Committee responsible for EU affairs. Each committee mirrors ministerial jurisdictions and is composed of 17 members and 9 alternate members. Exceptions are the Finance Committee with 21 members and 19 alternate members, the Audit Committee with 11 members and 6 alternate members and the Grand Committee, with 25 members and 13 alternate members<sup>400</sup>. MPs usually belong to two committees.

Within the Eduskunta, the Speaker, together with the Speaker's Council, directs parliamentary work<sup>401</sup>. The Speaker or a Deputy Speaker chairs and manages plenary sessions. The Speaker's Council is composed of the Speaker, the Deputy Speakers and the committee chairpersons. Before the Speaker and Deputy Speakers are elected, the oldest MP chairs the first plenary session each year. Parliamentary sessions start in February<sup>402</sup>. On the administrative side, the Secretary General is the highest civil servant of Parliament and the head of the Parliamentary Office. The latter operates under the supervision of the Office Commission, which is composed of the Speaker, the Deputy Speakers and four members and four alternate members elected among MPs<sup>403</sup>. The Office Commission supervises the Parliament's administration and takes decisions concerning the appointment of committee secretaries or parliamentary civil servants<sup>404</sup>. The Parliamentary Office is structured into six units focused on legislative matters, committee matters, international affairs, communications, information services and administrative matters. The Eduskunta has approximately 430 civil servants as of 2016. The parliamentary administration reached its highest number of employees in 2008, as illustrated by the following graph. Overall, the number of civil servants fluctuated only minimally and remained quite stable since 2005.

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<sup>400</sup> Parliament's rules of procedure, 17 december 1999, Section 7 and 8.

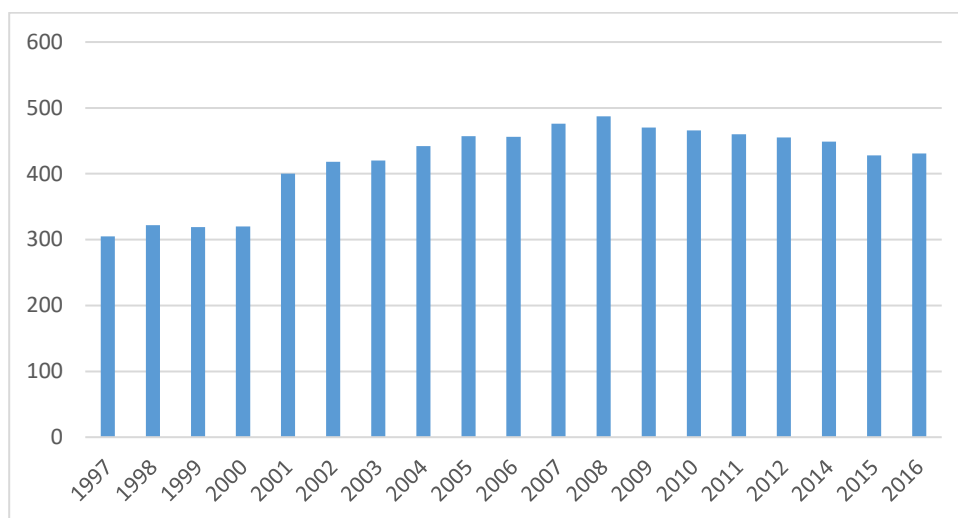
<sup>401</sup> Parliament's rules of procedure, 17 december 1999, Section 5

<sup>402</sup> *Idem*, Section 1.

<sup>403</sup> Parliament's rules of procedure, 17 december 1999, Chapter 7 — Administration of the Parliament, Section 72 — Office Commission.

<sup>404</sup> *Idem*, Section 73 — Duties of the Office Commission.

**Figure 55: Evolution of parliamentary staff (in total), Eduskunta, 1997-2016**



Note: MPs' personal assistants are not included

Sources: Own calculations based on committee statistics, Eduskunta; Annual parliamentary reports 2003, 2004, 2005, 2006, 2009, 2010, 2011, 2012, 2014, 2015, 2016.

The Secretariat for EU affairs, which endorses also the role of GC secretariat, supports MPs' work on EU affairs. Further details about this unit will be outlined in the section 7.2.2.

#### *7.1.1.3 The Chancellor of Justice, the Parliamentary Ombudsman and the Constitutional Law Committee*

Contrary to Austria and Luxembourg, Finland has no Constitutional Court. Instead, two bodies monitor the legality of decisions and one body controls the constitutionality of legislative proposals. The Chancellor of Justice and the Parliamentary Ombudsman are both responsible for the oversight of the legality of governmental, ministerial or presidential decisions. The position of Chancellor of Justice exists since 1713 and is attached to the Government<sup>405</sup>. The President of the Republic nominates both the Chancellor of Justice and the Deputy Chancellor of Justice<sup>406</sup>. The Parliamentary Ombudsman is elected by the Eduskunta and was initially established in 1919. Both bodies examine separate matters. Additionally to the Government and President of the Republic, the Ombudsman also oversees Defence forces and prisons. The Chancellor of Justice controls among others the legality of actions of courts of law, civil servants and public employees<sup>407</sup>. Both review written complaints or can take the initiative to investigate a matter. They can exchange complaints if the transfer is justified.

The Chancellor of Justice gives information to and drafts opinions on legal issues and legislative drafts for the Government, ministries and the President. The Chancellor participates in meetings of the Council of State and to presidential meetings of the Government<sup>408</sup>. The Ombudsman can attend these meetings, but has no obligation to do so. Both the Chancellor of

<sup>405</sup> <https://www.okv.fi/en/> (last accessed 13.06.2019)

<sup>406</sup> The Constitution of Finland, 11 June 1999, Section 69.

<sup>407</sup> The Constitution of Finland, 11 June 1999, Section 108.

<sup>408</sup> Idem, Section 111.



Justice and the Parliamentary Ombudsman submit reports to the Eduskunta. Annual and special reports are sent to the Constitutional Law Committee, which is examining the content and organising hearings with the corresponding experts from each institution. The latter can both participate in plenary sessions whenever their reports are being handled<sup>409</sup>.

The Eduskunta's Constitutional Law Committee, which exerts a "quasi-judicial function of interpreting the Constitution", examines the constitutionality of legislative proposals and the relation to international treaties (Ojanen, p 251, 2013). The committee checks if international treaties and EU legislative acts are compatible with the Finnish Constitution. On top of these functions, the committee also checks ministerial responsibility and reports from the Chancellor of Justice, the Parliamentary Ombudsman and the Government. In the framework of the constitutionality check, Parliament and other institutions usually consider the opinions of the Constitutional Law Committee as binding, due to its non-partisan approach and independence towards parties and Government (Ojanen, 2007). In the case of EU law, the Finnish Constitution is almost silent about provisions related to EU affairs. Only domestic legal enactments can integrate an international treaty in the Finnish legal system. Parliament ratifies international obligations with a majority of votes. A two-thirds majority is required whenever an international treaty is in conflict with the Constitution. The Constitutional Law Committee determines the relation between the international treaty and the Constitution and decides whether a simple or a two-thirds majority is needed. The legislative provisions of international treaty are implemented through an Act of Parliament and are adopted in the Eduskunta according to the same rules as the ratification of international treaties. Whenever an international treaty contradicts the Finnish Constitution, no constitutional amendment is required (Ojanen, 2007).

The Constitutional Law Committee's interpretation of the constitutionality of an international treaty changed with the Constitutional Reform of 2000. Before 2000, the constitutionality of an international act was measured solely based on a strict interpretation of the sovereignty principle. An international treaty was thus declared as unconstitutional if it entailed a transfer of power from the national to the supranational level (Ojanen, 2007). Since 2000, the Constitutional Law Committee changed its perception of sovereignty. The latter is now understood in a more flexible way due to Finland's EU membership and the obligations ensuing from it. Limitations on Finland's sovereignty emanating from EU legislation or treaties are now seen as compatible with the Finnish Constitution. This change of understanding applied to all EU and intergovernmental treaties adopted after 2000. The Constitutional Law Committee played a crucial role in the interpretation of the constitutionality of EU treaties.

#### *7.1.1.4 Social partnership*

Just as Luxembourg and Austria, Finland has a corporatist culture characterised by strong interest groups and their close links to Parliament and Government (Arter, 2000; Raunio, 2004). There are four main trade unions that exert significant influence on the decision-making process: the Central Trade Union Organisation SAK, the Confederation of Unions for Academic

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<sup>409</sup> Idem, Section 48.

Professionals in Finland AKAVA, the Finnish Confederation of Salaried Employees STTK and the Central Union of Agricultural Producers and Forest Owners MTK (Raunio/Wiberg, In: Strøm/Müller/Bergman, 2006). The labour movement was established at the beginning of the 20<sup>th</sup> century, in response to the creation of the Confederation of Finnish Employers STK in 1907 (Pesonen/Riihinen, 2002). The influence of trade union organisations on the Finnish society is substantial. Labour union confederations are composed of trade union federations and associations. The MTK does not belong to the labour market organisations such as SAK, STTK and AKAVA, but counts among the most influential organisations on the decision making process. Additionally to the labour movements, the Confederation of Finnish Industries EK is also an influential lobbyist in Finland. The EK represents the interests of 24 member associations and 15 300 member companies<sup>410</sup>.

The SAK was founded in 1907 as the Finnish Federation of Trade Unions and is the largest confederation in Finland. Due to internal conflicts between leftist parties represented in the federation, the Social Democrats decided to leave and to establish in 1930 the Confederation of Finnish Trade Unions SAK (Raunio/Laine, In: Allern/Bale, 2017). Nowadays, the SAK has twenty-one member unions and approximately one million members from public and private sectors<sup>411</sup>. The STTK was originally founded as the Intellectual Employment Union in 1922, before becoming the STTK in 1946. The confederation has more than 600 000 members in 18 unions. It represents nurses, health and social care professionals, technical engineers and secretaries. The AKAVA was established in 1950 and counts more than 600 000 members in 36 unions<sup>412</sup>. It represents workers with higher-level education and students. MTK represents more than 310 000 farmers, forest owners and rural entrepreneurs<sup>413</sup>. The union was established in 1917.

Trade union confederations have close contacts with the Government in the framework of the tripartite negotiations, but also with the Parliament. Their impact on the legislative process thus happens ex-ante, before the government bill is transferred to Parliament, but also during the negotiations in Parliament. For instance, interviewees from SAK and AKAVA stated that trade union confederations participate in tripartite meetings organised by the Government, as well as the EU sub-committee meetings of ministries. In these meetings, they can discuss EU legislation and government policies. The frequency of cooperation with trade union representatives varies between ministries, depending on the agenda. For instance, the current discussions on Finland's EU Presidency in 2019 fuelled more frequent exchanges. Aside from that, trade union representatives have the possibility to meet ministers directly.

Cooperation with Parliament happens through different channels: they can participate in official parliamentary hearings in committees if they are invited, they can meet individual MPs, they can send opinions to Parliament or they can influence informally the legislative process through their affiliated members in political parties. Cooperation with parliamentary sectoral committees happens mostly on topics close to the trade unions' priorities, such as labour,

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<sup>410</sup> <https://ek.fi/en/> (last accessed 13.06.2019)

<sup>411</sup> <https://www.sak.fi/> (last accessed 13.06.2019)

<sup>412</sup> <https://www.akava.fi/> (last accessed 13.06.2019)

<sup>413</sup> <https://www.mtk.fi/> (last accessed 13.06.2019)

education or immigration. Contacts with the Grand Committee are rare and debates on EU affairs do not happen often compared to domestic issues.

Labour unions and specific political parties maintain very strong links, even though trade unions are supposed to be officially politically independent (Bergholm, 2012). For instance, MPs with trade union memberships represented a majority in the Eduskunta after the elections in 2003 and 2011. In both cases, approximately 120 out of 200 MPs were or have been members of unions<sup>414</sup>. The success of unionised candidates can be explained by the strong support provided by their national union and the local branches. In 2011, 60 elected MPs were affiliated in an AKAVA member union, 39 MPs in the SAK and 22 MPs in unions of the STTK. The SDP and the True Finns dominated the SAK in 2015, closely followed by the VAS. Almost 28% of SAK representatives chose to belong respectively to the SDP and the True Finns during the Eduskunta elections in 2015. Within the AKAVA, the strongest party is the KOK, followed by the Greens VIHR and the Centre KESK (Raunio/Laine, p.108, In: Allern/Bale, 2017). The SDP and the KOK are both strong within the STTK. However, the Chair of the STTK came systematically from the SDP (Raunio/Laine, In: Allern/Bale, 2017). The close ties between SAK members and the SDP translate into regular common meetings, be it within the SDP working groups, the party bodies, the respective youth organisations, SAK meetings or on the personal level between “trade union MPs” (Raunio/Laine, p.100, In: Allern/Bale, 2017). Most SDP party officials have worked in the SAK before. Personal ties are also strong between SDP and STTK representatives. The VAS has personal contacts and personnel overlap with the SAK, but not to the same extent as the SDP-SAK relations. The high density of trade union organisations and their strong relationship to political parties makes them unavoidable stakeholders of the decision-making process. For some parties such as the SDP, trade union confederations can serve as a communication forum for politicians (Hastings, In: De Waele/Escalona/Vieira, 2013).

Finnish trade union organisations have also established regular contacts with the EU level. SAK, STTK and AKAVA are members of the European Trade Union Confederation (ETUC) and cooperate actively with Nordic Countries, Baltic countries and Russia. EK is member of “BusinessEurope”, the European association for employers, commerce and industry. Both EK and the three main trade union confederations are represented in the European Economic and Social Committee, in the European Social Dialogue and in numerous European bodies. Trade union and employers’ associations have established offices in Brussels to follow-up daily EU matters. The EK established a permanent office in Brussels in 1974. The MTK is also represented in Brussels since 1991 and is a member of the European Farmers and Cooperatives’ organisation Copa-Cogeca. The main Finnish trade unions have an EU office, “FinUnions”, which is managed every year by a representative of one of the trade union confederations<sup>415</sup>. FinUnions cooperates with the Permanent Representation of Finland in

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<sup>414</sup> 13.04.2003, Present and former trade union members a clear majority in the new Parliament, <https://www.sak.fi/en/materials/news/present-and-former-trade-union-members-clear-majority-new-parliament> (last accessed 13.06.2019) ; 24.04.2011, Most MPs of the new Parliament are rank and file members of trade unions, <https://www.sak.fi/en/materials/news/most-mps-new-parliament-are-rank-and-file-members-trade-unions> (last accessed 13.06.2019).

<sup>415</sup> <https://www.finunions.org/finunions> (last accessed 13.06.2019)

Brussels, but also with Finnish MEPs. Meetings are organised between them and representatives of the trade union confederations in Brussels. Contacts happen less frequently between individual trade union representatives and EU representatives. Additionally, each trade union confederation has an EU affairs department on the national level. For instance, the AKAVA and the SAK both have a head of international affairs that monitors EU matters and informs members on issues of interest.

#### *7.1.1.5 Political Parties*

The Finnish party system is highly fragmented and multipolar. Political fragmentation translates into a left-right cleavage between the right-wing parties KOK, SFP/RKP, KD and KESK and the left-wing parties SDP and VAS. The True Finns (PS) emerged as a strong party only after the 2011 elections and represent mostly the rural areas (Raunio/Wiberg, In: Strøm/Müller/Bergman, 2006). While Finland was considered as a case of extreme multipartism in the 1960s, it transformed into a “convergent party system (Arter, 2009) marked by a contraction in the policy distance between the parties and a shift to stable, broad-based government” (Arter, 2012). Electoral campaigns are usually non-conflictual because coalition governments are the rule (Karvonen, 2014). Until the 2011 elections, parties did not take sharp political positions to avoid conflicts. Only individual candidates competed mutually due to the party-list proportional representation system (Pesonen/Riihinen, 2002). Small parties make alliances to gain more seats in Parliament. Compromises and concessions found party strategies, because none manages to win more than 25% of votes during legislative elections. The fragmented party system thus facilitates consensual practices and ideological congruence between parties wishing to form a coalition (Raunio, 2012).

The 2011 parliamentary elections represented a drastic change, as the True Finns used a more conflictual rhetoric to attract voters. According to Karvonen, there are no parties larger than their main competitors (Karvonen, 2014). Parties on the left side of the political spectrum tend to be weak and liberal parties are non-existent. Party and group discipline is particularly strong because government cabinets depend on the will of the parliamentary majority, especially of party leaders (Raunio/Wiberg, 2008). Strong party cohesion also means that Government tends to control parliamentary activity of MPs belonging to coalition parties (Raunio/Wiberg, In: Strøm/Müller/Bergman, 2006). Parliamentary groups dominate the Eduskunta, where parties and not individual MPs make decisions (Heidar/Koole, 2000).

Until the 2011 elections, three main parties dominated the political landscape: the Social Democratic Party (SDP), the National Coalition Party (KOK) and the Centre Party (KESK). The True Finns came in the limelight when they won 19% of the votes during the 2011 electoral campaign. The oldest Finnish party is the Social Democratic Party (SDP) founded in 1899. Its core voters were industrial workers and urban wage-earners. The SDP is close to major labour unions, such as the SAK (Karvonen, 2014). The SDP is currently in opposition after losing votes in the 2015 elections, but participated in almost all coalition cabinets since 1999. The Centre Party was founded in 1906 and represents the Finnish rural population. Until 1965, the

party was called the “Agrarian Union”. The KESK has been the dominant party in Finland since its establishment and is still relying on its agrarian roots. The conservative National Coalition party (KOK) was founded in 1918 and represents the business elite and the educated upper classes (Karvonen, 2014). The KOK gained substantial votes during the 2007 elections and is currently in the coalition composed of the KESK and the Blue Reform Party. The latter was created in 2017 after the split of the True Finns (PS). The True Finns were established in 1995 after the dissolution of the Finnish Rural Party. The PS is a nationalist and conservative party that gained substantial votes during the 2011 elections. In June 2017, 19 MPs decided to leave the True Finns in protest against the nomination of a new party leader. They created the far-right Blue Reform Party, which is also considered to be a conservative and populist party. While the Blue Reform Party stayed in government, the True Finns went into opposition. The Green League (VIHR) was founded in 1983 and emerged from actions led in the 1970s raising awareness on environmental issues. The VIHR attracts mostly young urban voters. The Green League was the first Green party in Europe to participate in a governmental coalition. Since 1999, the VIHR was represented in four coalition formations. The Left Alliance was founded in 1990 after the collapse of Finnish communism and positions itself on the left, as a reformed socialist party. Its origins lie in the People’s Democratic League of Finland, which was dominated by the Finnish Communist Party (Dunphy, 2007). The Swedish People’s Party (SFP/RKP) was founded in 1906 and represents the Swedish-speaking community in Finland. The party has a centrist moderate position and was represented in government from 1999 until 2015. Finally, the Christian Democratic Party (KD) is a centrist party that was established in 1958 as the Finnish Christian League, originating from the Christian faction of the National Coalition Party. The KD took its current denomination in 2001. The KD is a small opposition party that participated twice in coalition governments between 1999 and today.

After the “six-pack” coalitions established without the Centre Party between 2011 and 2014, the 2015 elections saw the re-emergence of the Centre Party in the government and the first participation of the True Finns in the coalition. The KESK became again the first political party with over 21% of the votes cast. The National Coalition came second with over 18% of votes and the True Finns third with 17,7%<sup>416</sup>. The emergence of the True Finns as serious political counterpart represented a challenge for the mainstream parties. Indeed, relations within Government and Parliament were affected by the new political constellation. The two biggest parties KESK and KOK had to find compromises with a populist and Eurosceptic party. Within Government, the True Finns and since 2017 the Blue Reform Party, are leading among others the Ministry for Foreign Affairs managed by Timo Soini<sup>417</sup> and the Ministry for European Affairs headed by Sampo Terho. The distribution of these ministries to the populists might be explained by the wish of the KESK and KOK to keep the True Finns and the Blue Reform Party away from domestic affairs. The populist rhetoric might thus be tampered in ministries that

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<sup>416</sup> [https://www.stat.fi/til/evaa/2015/evaa\\_2015\\_2015-04-30\\_tie\\_001\\_en.html](https://www.stat.fi/til/evaa/2015/evaa_2015_2015-04-30_tie_001_en.html) (last accessed 13.06.2019)

<sup>417</sup> Timo Soini was the co-founder and long-term leader of the True Finns. In March 2017, he announced his resignation from the party leadership. The selection of a new contested party chairman led to a break with the Prime Minister Sipilä, who refused to cooperate with the new chairman defending more radical views. Timo Soini decided to create a new parliamentary group to stay in government and was consequently expelled from the True Finns. The Blue Reform parliamentary group became a party in July 2017.

have to represent Finland in the EU and on the international stage. Key ministries remain between the hands of the mainstream parties.

According to Raunio, European integration has always been a difficult subject for political parties since Finland joined the EU (Raunio/Wiberg, In: Brouard/Costa/König, 2012). Parties kept “a fairly low profile in integration matters” (Raunio/Wiberg, p.61, In: Brouard/Costa/König, 2012) and the consensual practices in EU affairs on the national level led to their de-politicisation. We can overturn this argument since the growing influence and radical rhetoric of the True Finns after 2011. The 1994 referendum on Finland’s accession to the EU showed the discrepancies between and within parties on European integration (Raunio, 2005). The KOK, SFP and SDP were the three most supportive parties of EU membership, while divisions reigned within the KESK, the VAS and the Greens. For instance, only 24% of VAS supporters voted in favour of EU membership in 1994 (Raunio/Wiberg, 2001). Within the KESK, 22 out of 55 MPs rejected the EU membership application in 1992 (Raunio, 1999). In 1994, the KESK Congress decided after all to support membership. The Christian Union (KD) and the Rural Party (PS) were both against membership.

Nowadays, the majority of parties are pro-integrationists, contrary to their voters. EU critical positions are found in the Blue Reform Party (True Finns previously), as well as the Left Alliance, the Christian Democrats and some groups within the Centre Party (Laursen, In: Carbone, 2010). The True Finns were against the EU, criticising its elitist bureaucracy, federalisation and centralisation tendencies, its negative impact on national sovereignty and its immigration policy (Raunio, 2012). The Greens defend a moderate EU line. The SDP, KOK and SFP count among the most united parties on EU integration. Overall, Finnish parties are not per se pro-federalists, but defend a rather state-centric view of the European integration (Raunio, In: Maurer/Wessels, 2001; Raunio/Wiberg, In: Strøm/Müller/Bergman, 2006). The discourse of a Europe of independent and sovereign nations is present in almost all the Finnish parties, be they pro-integrationists or Eurosceptics. The following table sums up each party’s positions on EU affairs in the wake of main parliamentary elections since 1999.

**Figure 56: Parties’ position on European integration, Finland**

	2003	2007	2011
<b>KESK</b>	<ul style="list-style-type: none"> <li>- Promotes European environmental and climate policy</li> <li>- Finland needs more EU regional funds</li> </ul>	<ul style="list-style-type: none"> <li>- Clarity about EU subsidies</li> <li>- Promotes reform of EU decision-making</li> <li>- Enhancement of EU's global competitiveness</li> <li>- Promotes EU enlargement</li> <li>- Defence of Finnish interests in EU decision-making</li> <li>- Strengthening of EU international role</li> <li>- Deepen CFSP, development of crisis management capabilities</li> </ul>	<ul style="list-style-type: none"> <li>- EU as added-value for Finland</li> <li>- Finland's interests should be taken into account in EU's policies, notably CAP</li> <li>- Favours Turkey's accession to the EU</li> <li>- Promotes Finnish security policy Favours participation in civilian missions led by EU Nordic dimension</li> </ul>
<b>SDP</b>	<ul style="list-style-type: none"> <li>- Promotes CFSP, military non-alignment and security options for Finland</li> <li>- Controlled EU enlargement Favours EU treaty reforms</li> </ul>	<ul style="list-style-type: none"> <li>- EU as social and democratic community</li> <li>- Favours European Social dimension and solidarity</li> <li>- Favours civilian crisis management in CFSP</li> <li>- Strengthening of EU-Russia relations and Nordic dimension</li> </ul>	<ul style="list-style-type: none"> <li>- Euro area crisis: decrease state debt</li> </ul>



<b>KOK</b>	- No mention of EU	- EU as added-value for Finland's interests - Limitation of EU's competences - Support of EU climate policy	- EU as added-value for Finland - Strengthening of CFSP and peacekeeping missions - Pursue Nordic cooperation and Russia-Finland relations
<b>VAS</b>	- Finland should participate in conflict prevention, consolidation of peace and democracy within EU framework	- Stop tax competition in EU - Tax harmonisation in EU - Favours environmental-friendly and sustainable EU economic policy - Promotes Social Europe - Strengthening of EP powers - Strengthening of environment and climate policy - Development of EU civilian crisis management	- Supports EU's climate policy - Peacekeeping main priority for non-aligned Finland
<b>PS</b>	- Protectionist agricultural policy - EU of independent states - Maintain Finland's sovereignty - Rejects EU Constitutional Treaty - Referenda on EU treaty reforms Against federalism	- Against Turkey's accession to EU - Against EMU - Favours national referendum on EU treaty - Favours intergovernmentalism - Preservation of state sovereignty - Finland does not benefit from CAP; Protectionism in agricultural policy - Against EU immigration policy	- Strengthening of "Finnishness" - EU undemocratic and ineffective - Preservation of Finland's sovereignty and limit EU's competences - Against Turkey's accession to EU - EU membership should not be anchored in Constitution - Favours national referenda on EU treaties - Finnish EU membership uncertain - Against CFSP as federalist project
<b>VIHR</b>	- Favours military non-alignment - Against CFSP - EU should focus on crisis management - EU as key player of globalisation	- Favours strong transparent EU - Against EU bureaucracy - Civilian crisis management within CFSP - Favours participation in CFSP - Supports EU environmental policy	- Favours strong and democratic EU - Citizens and minorities should have more rights in EU - Favours ecological and sustainable EU - Supports EU as leader in climate policy - Cooperation with other MS in CFSP
<b>KD</b>	- No mention of EU	- Maintain good relations with Russia - Promotes Nordic cooperation - Renegotiation of EU Constitutional Treaty - Clear distribution of EU/MS competences - Equality between MS - Preservation of Finland's interests	- Independent foreign and security policy - Focus on EU's peacekeeping and humanitarian missions - EU's Christian identity - Supports subsidiarity principle - Limited distribution of competences and preservation of MS sovereignty - EU taxes to finance EU budget
<b>SFP</b>	- Finnish ecological agricultural model as example for EU - Promotes Nordic cooperation and Swedish language - EU regional policy needs to be reformed	- Special conditions for Finnish agriculture in CAP	- Strengthening of Nordic cooperation - Favours more EU integration to tackle the euro crisis

Sources: Kristillisdemokraatit 2003, Aani ihmiselle - anna omatuntosi paattaa; Keskustan vaalikirja, Eduskuntavaalit 2003; SDP:n vaaliohjelma 2003, Varma vaihtoehto- työllä turvaamme hyvinvointiyhteiskunnan; Vihreän liiton eduskuntavaaliohjelma 2003; Vasemmistoliiton vaaliohjelma eduskuntavaaleissa



2003; KOKOOMUS EDUSKUNTAVAALIT 2003, Tavoitteet ja hintalaput; Ruotsalainen kansanpuolue, Vaalijulistus 2003; Perussuomalaisten Eduskuntavaaliohjelma 2003; Kristillisdemokraatit, Riksdagsvalsprogrammet Tro det eller ej, 2006; Suomen Keskusta, Keskustan tavoitteet vaalikaudelle 2007-2011, 2006; Vasemmistoliitto, Eduskuntavaaliohjelma 2007, 2006; SDP:n Vaaliohjelma, Reilu Suomi – työtä ja välittämistä, 2006; Vihreät, Eduskuntavaaliohjelma 2007; Kookomus, Vastuullinen markkinatalous, 2006; SFP, Riksdagsvalsprogram 2007; Perussuomalaiset rp., Eduskuntavaaliohjelma 2007; Kristillisdemokraattien vaaliohjelma 2011–2015; Suomen Keskusta, Vaaliohjelma vuoden 2011 eduskuntavaaleihin, Koko Suomi, kaikki suomalaiset; SDP, TYÖN JA OIKEUDENMUKAISUUDEN PUOLESTA, 2011; Vihreä tehtävä 2010–2014; Vasemmistoliiton eduskuntavaalien 2011 vaaliohjelma; KOKOOMUKSEN EDUSKUNTAVAALIOHJELMA 2011; SFP Valprogram, Riksdagsvalet 2011; Suomalaiselle sopivin, Perussuomalaiset r.p:n eduskuntavaaliohjelma 2011

## *7.1.2 The legislative process: rules and procedures*

### *7.1.2.1 The legislative process step by step*

According to Section 70 of the Finnish Constitution, legislative initiatives can emanate from a government proposal or a legislative motion submitted by an MP. A government proposal can originate from statements made by Parliament or in the government programme, from citizen initiatives, an EU act requiring implementation in the national legal system, ministries' own initiatives, etc<sup>418</sup>. Before a government proposal is transferred to Parliament, the legislative draft is prepared and assessed by the Finnish Council of Regulatory Impact Analysis. Once the government draft bill has been assessed, the consultation phase starts. The proposal is sent to the concerned stakeholders, who can give their opinion. The responsible ministry makes the necessary changes once the consultation process has finished. Drafts are translated in Swedish and their final version is presented to the Council of State for examination. If the proposal contains any financial impacts, the Cabinet Finance Committee examines the matter as well. Before the matter is sent to the Council of State, the government proposal can be debated in ministerial working groups, cabinet committees, informal government sessions or political meetings where parliamentary groups from all political sides can participate<sup>419</sup>. Once the Council of State has voted and accepted the proposal, it is sent to the Eduskunta.

Until the 1990s, decision-making in the government cabinets was collegial and centralised. In the mid-1990s, the practices evolved towards the decentralisation of decisions in the government bodies (Paloheimo, In: Karvonen/Paloheimo/Raunio, 2016). Once arrived in Parliament, the Speaker announces in plenary session the arrival of a government proposal<sup>420</sup>. The Eduskunta organises a preliminary debate in plenary session to decide, on the proposal of the Speaker's Council, which sectoral committee will be responsible for the examination of the government draft bill or legislative initiative<sup>421</sup>. Parliament can decide to transfer a matter to several committees whenever different competences are required. The Eduskunta has 15 permanent committees and a Grand Committee. The committee system has been adapted to ministries' competences in the 1990s to improve the scrutiny of sectoral matters (Anckar et al., 2015). Within committees, the parliamentary administration drafts reports on government bills which are presented by the committee chair, because the position of "rapporteur" does not exist.

<sup>418</sup> <http://lainvalmistelu.finlex.fi/en/> (last accessed 13.06.2019)

<sup>419</sup> <http://lainvalmistelu.finlex.fi/en/5-valtioneuvoston-paatoksenteko/#esittely> (last accessed 13.06.2019)

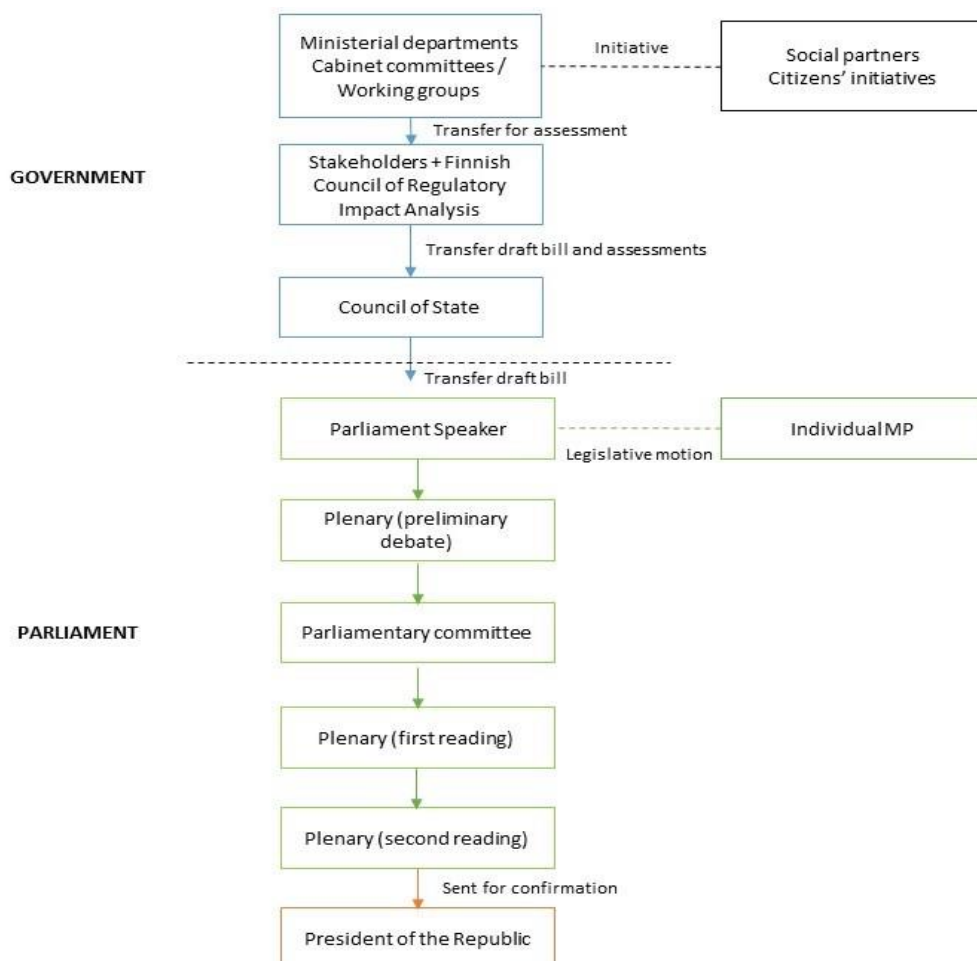
<sup>420</sup> Section 19, Parliament's Rules of Procedure, 1999.

<sup>421</sup> Idem, Section 32.

Individual MPs can also draft dissenting opinions if they wish to express a different view on a matter<sup>422</sup>.

Once the designated committee has examined the matter and organised expert hearings, the draft is sent back to plenary, where it goes through two readings (Isaksson, In: Karvonen/Paloheimo/Raunio, 2016). Before the constitutional reform of 2000, legislative proposals and government draft bills were submitted to three readings in parliament. Nowadays, the first reading permits the examination of the draft and the submission of amendments by opposition MPs (Pesonen/Riihinen, 2002). The second reading is dedicated to the vote on the draft bill (Section 72, Finnish Constitution). Once an Act has been adopted in parliament, it has to be submitted to the President of the Republic for confirmation (Section 77 of the Finnish Constitution). During plenary sessions, question times and topical debates can be organised depending on the decision of the Speaker's Council<sup>423</sup>. Additionally, MPs can submit oral or written questions to ministers. The following scheme illustrates the legislative process in Finland.

**Figure 57: Legislative process in Finland**



<sup>422</sup> Idem, Section 42.

<sup>423</sup> Idem, Section 25 and 26.

Just as in the Austrian National Council, party dynamics play a significant role in the Eduskunta throughout the legislative process. Parliamentary groups related to coalition parties exert the most influence. Opposition MPs are largely outnumbered by majority MPs who support their Government's policy. According to Raunio and Wiberg, the Government's influence on the legislative process through the parliamentary groups in Parliament weakens the Eduskunta's own participation rights, because "the bulk of parliamentary business consists of reacting to initiatives from the government" (Raunio/Wiberg, p595, 2008). Furthermore, whenever the opposition criticises government policies, dissident views are expressed by single MPs instead of whole parliamentary groups.

#### *7.1.2.2 The handling of EU affairs on the national level*

Just as in Luxembourg, consensual political practices prevail in EU affairs to guarantee effective influence and coherence on the EU level through national unity (Paloheimo, In: Karvonen/Paloheimo/Raunio, 2016; Tans/Zoethout/Peters, 2007; Raunio, In: Hefftlar/Neuhold/Rozenberg/Smith, 2015; Raunio, 2016). Contrary to domestic matters, EU affairs also enable opposition MPs to play an important role, as their backing of the Government's EU policy is needed in case of negotiations on the EU level. Finnish elites tend to have a pragmatic approach on EU matters (Raunio, In: Maurer/Wessels, 2001). The EU is seen as a way to defend Finnish national interests such as the country's security and economic stability, but also to secure its position in the West as a small state (Antola, In: Laursen, 2006; Tans/Zoethout/Peters, 2007). The EU is thus seen as a means to protect the rights of small states. These logics are applied to the domestic EU coordination system. According to Raunio, the latter is designed to "manufacture national unanimity, or at least broad elite consensus" (Raunio, p. 317, 2016). Ideological conflicts over EU issues were almost non-existent until the 2011 elections. The True Finns began to politicise the issues during the electoral campaign and the management of the economic crisis.

EU affairs in Finland are government-driven, just as the domestic legislative process (Raunio, In: Karvonen/Paloheimo/Raunio, 2016). However, the Eduskunta's acceptance is required whenever international treaties with legislative obligations need to be ratified<sup>424</sup>. The main challenge with Finland's EU accession consisted in separating EU affairs from foreign policy and delimiting accordingly the competences of the Prime Minister and the President. According to Section 93 of the Finnish Constitution, the President of the Republic together with the Government manage foreign policy. The Government leads the Finnish EU coordination system<sup>425</sup>. The latter stayed unchanged since Finland's EU accession. Within the Prime Minister's Office, the Government EU Affairs Department coordinates EU matters, prepares European Council meetings, instructs the Finnish Permanent Representation in Brussels and supervises the good functioning of the coordination system. Until 2000, the Department was under the responsibility of the Foreign Affairs Minister (Raunio, In:

<sup>424</sup> The Constitution of Finland, 11 June 1999, Section 94.

<sup>425</sup> See <https://valtioneuvosto.fi/en/government/eu-affairs> (last accessed 13.06.2019)

Karvonen/Paloheimo/Raunio, 2016). It serves as a secretariat for the Ministerial Committee on EU affairs and the Committee for EU affairs (Johansson/Raunio, 2010).

The Ministerial Committee on EU affairs meets every Friday and discusses EU affairs before parliamentary plenary sessions. The Prime Minister chairs the committee, which prepares meetings of the Council of the EU. Whenever matters are within the competences of the Åland Islands, the chair of the Åland Government can participate in meetings of the Ministerial Committee on EU Affairs. Finally, the Committee for EU Affairs is composed of ministry representatives, the Office of the President and the Chancellor of Justice, the Bank of Finland and the Åland Government whenever matters fall within the Province's competences<sup>426</sup>. It serves as a cooperation body between the different ministries. Additionally, the Committee for EU Affairs has established 37 EU sub-committees in each ministry, responsible for the preparation of sector-specific EU matters. For instance, the Ministry of Agriculture has an EU affairs sub-committee on agriculture and food (EU18), which forms the Finnish position on agricultural policy on the EU level. The Ministry for Social Affairs and Health chairs six EU sub-committees, such as the sub-committee EU16 "insurance services" or EU25 "social affairs". The EU sub-committees are composed of civil servants from the competent ministries. Interest groups can also participate in EU sub-committee meetings. The preparation of EU affairs at the ministerial level is supported by the information management system EUTORI established at the beginning of the EU membership as the Eurodoc system. Each ministerial coordinator responsible for EU affairs registers and archives EU documents in the EUTORI system. Once an EU matter has been prepared in the above-mentioned government bodies, the Council of State transfers it to the Parliament. Within the Eduskunta, the Grand Committee is the main responsible for the examination of EU affairs, supported by opinions from sectoral committees.

### *7.1.3 Conclusions*

This part outlined the Finnish political system and its characteristics. Just as Luxembourg and Austria before the European economic crisis, consensual practices prevailed in Finland. The main reason is the multiplicity of political parties and their ideological proximity on the left-right spectrum. Government coalitions are usually composed of large majorities, which strengthens Government's influence on Parliament through the parliamentary groups. According to Raunio and Wiberg, "the executive and parliament are often so intertwined that measuring their independent influence in decision-making is at best very difficult" (Raunio/Wiberg, 2008). Just as in Austria, Finnish political parties have a particularly strong anchorage in society and the corporatist culture is well developed. A large proportion of party members and MPs come from interest group organisations, such as trade union confederations. The influence of trade unions on the legislative process in parliament might thus be strong.

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<sup>426</sup> Act on the Autonomy of Åland, Chapter 9 a European Union affairs (30 January 2004/68) Section 59 a (30 January 2004/68) Preparation of national positions

EU affairs are more consensual than domestic affairs, even though they tended to become politicised after the True Finns gained substantial votes in 2011 and established a strong populist rhetoric. However, compromises are still the usual practice in governmental and parliamentary interactions to ensure a unanimous European position. The electoral system also forces ideological consensus on EU affairs. Consequently, parties are not representative of the Eurosceptic Finnish population. The Finnish EU coordination system counts among the strongest in the EU, because it enables every minister to participate in the preparation of EU affairs and to contribute to Finland's EU policy.

To conclude, external constraints weighing on parliamentary activity are numerous. The legislative process is government-driven and parties exert considerable influence on the Eduskunta through their groups. The close ties between parties and trade union confederations might also affect MPs' activities and positioning on EU issues. Within Parliament, the judicial powers of the Constitutional Law Committee might also influence the way it handles EU affairs, especially EU treaties. Whether a treaty is adopted with simple or two-thirds majority might determine parliamentary groups' voting strategies.

## 7.2 Parliamentary participation rights in EU affairs: current status quo

The present section will focus on the Eduskunta's participation rights in EU affairs and the corresponding parliamentary actors involved. As we will see, Parliament's formal capacities barely evolved since Finland's accession to the EU. One reason is the emphasis that was put from the very beginning on designing a particularly strong scrutiny system. The structure of the parliamentary administration aims to support mainly committee work. The decentralised scrutiny of EU affairs forces sectoral committees to get involved. Moreover, parliamentary groups play a significant role in EU scrutiny, especially those with close links to government parties. We assume that Parliament's formal capacities might encourage mainstreaming trends in EU affairs, therefore giving first insights into hypothesis H2. We use legal documents (Finnish Constitution, Parliament's Rules of Procedure) and interviews with civil servants from the parliamentary administration, MPs (current and former) and EU advisors from parliamentary groups to outline Parliament's participation rights in EU affairs. In the Europeanisation literature, the Finnish Eduskunta has been unanimously considered as having one of the strongest EU scrutiny systems among national parliaments in the European Union<sup>427</sup>.

### 7.2.1 The legal basis of parliamentary participation in EU affairs

The Eduskunta's understanding of EU scrutiny is that EU policy should remain between the government's hands, therefore scrutiny should focus solely on the government. The Parliament's scrutiny system was therefore designed following this principle. Any other

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<sup>427</sup> Auel/Rozenberg/Tacea, In: Heffler/Neuhold/Rozenberg/Smith, 2015; Bergman, 2000; Maurer/Wessels, 2001; Kiiver, 2006; Winzen, 2012.

attempts to strengthen parliaments in EU affairs, for instance through interparliamentary cooperation, was always perceived with scepticism. It also explains why most scrutiny happens in committees and less in plenaries, as Parliament's goal is to control the Government's EU policy (Raunio, 2016).

The Eduskunta started to strengthen its participation rights in EU affairs even before Finland's accession to the EU. In 1990, the Foreign Affairs Committee requested that Parliament and sectoral committees obtain information on EEA matters to be able to exert influence on it through the national channel (Raunio, In: Tans/Zoethout/Peters, 2007). According to Raunio, the main political parties consensually agreed on this measure to ensure powerful parliamentary participation rights based on the Danish model. In 1991, the Eduskunta reformed its committee system, so that committees reflected ministerial jurisdictions. Paving its way to participation in EU affairs, the Eduskunta passed an amendment in 1993 revising paragraph 33 of the Form of Government Act and paragraph 4 of the Parliament Act in the old Constitution (Tiilikainen, 2006). The amendment was entitled "Parliament to take part in the national preparation of matters to be decided in international bodies as legislated in the Parliament Act" (Raunio, 2001). The amendment laid the foundation of the current sections 93 and 96 of the Finnish Constitution, anchoring Parliament's scrutiny and information rights on EU matters. The 1993 amendment was transferred without substantial changes to the new Constitution in 2000.

EU membership in 1994 triggered substantial changes both in the Constitution and in the parliamentary structures. The Grand Committee became the main coordinating and decisional body in EU affairs within Parliament. From the beginning, parliamentary scrutiny rights entailed a combination of a strong document- and mandate-based system. According to Raunio, the Eduskunta's EU scrutiny rights are characterised by a strong anchorage in the Constitution, an early involvement, unlimited access to government information, regular ministerial hearings and decentralisation to sectoral committees (Raunio, In: Heffler/Neuhold/Rozenberg/Smith, 2015). Parliament's approval of international obligations and European affairs is regulated in Section 93 of the Constitution: "The Parliament participates in the national preparation of decisions to be made in the European Union, as provided in this Constitution"<sup>428</sup>. Parliament's approval for treaties containing legislative provisions, such as EU treaties, is regulated in Section 94. The explicit participation of the Eduskunta in EU affairs is anchored in Section 96, which states that "[...] Parliament considers those proposals for acts, agreements and other measures which are to be decided in the European Union and which otherwise [...] would fall within the competence of the Parliament"<sup>429</sup>. This section also anchors the Parliament's strong information rights, in addition to Section 47 and 97 of the Constitution.

Section 96 mentions the so-called "U-matters" that include all EU documents such as EU legislation, treaties and budget matters that fall into the competences of the parliament. Other EU documents such as EU communications or the EU Multiannual Financial Framework are "E-matters" and regulated in Section 97. The Government must transfer without delay all

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<sup>428</sup> The Constitution of Finland, 11 June 1999, Chapter 8 – International relations, Section 93- Competence in the area of foreign policy issues.

<sup>429</sup> Idem, Section 96 – Participation of the Parliament in the national preparation of European Union matters.

information on EU matters to the Grand Committee, especially before and after European Council and Council meetings. Moreover, the Government has to submit reports to the Eduskunta on matters linked to international relations (Section 44). At the beginning of each electoral term, the Government also submits a report on Finland's EU policy objectives. The Finnish Constitution limits narrowly the scope of action and position of ministers and the Prime Minister. Indeed, the Government is allowed to take only those actions mentioned in the Constitution or mandated by act of parliament, which means that no actions in EU affairs can be initiated without the approval of the Grand Committee. EU matters that are not constitutionally delegated to the government have to pass through parliament.

Additionally to the Finnish Constitution, the Parliament's Rules of Procedure also contains provisions regulating Parliament's participation rights in the scrutiny of EU affairs. Section 30 of the RoP was amended in 2009 and states that government communications on EU affairs must be sent to either the Grand Committee or the Foreign Affairs Committee depending on the nature of the matter. The Speaker of the Eduskunta has the responsibility to designate which sectoral committee will give an opinion to one of the two committees. The subsidiarity control mechanism was also added to the RoP, including the participation of the Åland Parliament. The transfer of EU matters to sectoral committees is regulated in Section 32 of the RoP, which was amended in 2011 and 2013. According to Section 34 revised in both 2006 and 2011, committees must give priority to EU matters. Moreover, confidentiality of EU documents on Government's request was anchored in Section 43a of the RoP. What is noticeable about the legal basis on participation in EU affairs is the absence of mention of MEPs. The latter are put in the same category as external "experts" when invited in committees, and do not benefit from a special status within parliament. They are unable to participate on their own initiative in the Eduskunta's committee meetings. According to an interviewee, there have been discussions within the Eduskunta on the possibility for MEPs to participate permanently in Grand Committee meetings (Interview 5b, 2018). The former MP insists that MEPs could provide added value to the Parliament's work and should be able to access Grand Committee documents. However, these discussions are still ongoing.

Overall, the legal basis of the Eduskunta's participation rights in EU affairs has not changed substantially since 1994 because MPs did not question it (Interviews 4b, 7b and 10b, 2018). A major constitutional change has been the recognition and explicit mention of Finland's EU membership in the Constitution in 2012 after long-lasting discussions since 1994. The aim of this reform was to consolidate constitutional regulation on EU membership (Ojanen, 2013). Several other attempts or minor revisions have been made since Finland's accession. For instance, a special working group composed of parliamentary civil servants and MPs was responsible to draft suggestions to improve the EU scrutiny procedure in Parliament. Even the Government reflected on revisions, such as how to improve the information policy or to draft understandable written reports for Parliament. Subsequently, a report was published in 2005, but concluded that the scrutiny procedure was satisfying. According to an interviewee, no substantial change resulted from the report and conclusions were more a self-congratulation of the current system (Interview 2b, 2018).



Since 1994, the Eduskunta has barely amended its scrutiny procedures. In 2004, the Grand Committee modified its schedule. Its meeting time on Wednesdays and Fridays was re-adjusted according to a change in the plenaries' schedule. Nowadays, Grand Committee meetings on Fridays start at 13h30 after the plenary, whereas before meetings started earlier and had to be interrupted until the end of the plenary (Interview 2b, 2018). In 2006, the Eduskunta took over the Finnish Institute for International Affairs (FIIA). The latter was a private foundation focused on International Relations. The Parliament saw it as an opportunity to obtain factual data on EU affairs that could benefit decision-making. Currently, the FIIA's board is composed among others of three MPs and a member of the Prime Minister's office. However, results are mitigated. In 2007, the committee manual was modified to incorporate EU affairs. The manual is addressed to committee chairs and civil servants and contains rules and details about parliamentary procedures. Following the ratification of the Treaty of Lisbon, a second working group on the revision of the Eduskunta's EU scrutiny procedures was created in 2009. However, results were the same as in 2005 (Interview 2b, 2018). Some MPs took the initiative to establish such a working group to undergo a periodic self-assessment. Discussions were held for instance on the cooperation with MEPs. We observed that reform initiatives have been taken over the last years, but effective change remained minimal.

### *7.2.2 Parliamentary administration and EU affairs: composition and tasks*

Civil servants of the parliamentary administration are recruited via competitive selection following a public announcement. They become permanent state officials. Within Parliament, the Secretariat for EU affairs, which is also the Grand Committee's secretariat, is responsible for the examination and preparation of EU matters. The Secretariat for EU affairs was created in 1995 and is composed of two academic staff, three clerical staff and one technical staff (Interview 2b, 2018). The composition of the secretariat did not change since its creation. Back in 1995, the current Head of the EU secretariat was the only staff handling EU affairs, as he established it. The EU secretariat/Grand Committee (GC) secretariat also deals with EU interparliamentary cooperation and other EU related activities. Whenever the GC needs more information on a specific policy, it can rely on the staff from other committee secretariats. The Foreign Affairs Committee, the second most active in EU affairs, has 5 staff.

Overall, sectoral committee staff devote about thirty to fifty percent of their time to EU business (Interview 2b, 2018). Even though few staff is specialised in these matters, the workload of civil servants and sectoral committees in EU affairs has increased due to the latter's transversal nature. However, matters falling within the subsidiarity control get limited attention, because the Eduskunta is generally critical towards this mechanism, which does not bring substantial added value to parliamentary work. As the GC is the main decisional body in EU affairs, only few staff with generalist profiles deal exclusively with these matters. However, these few civil servants have a solid knowledge of EU affairs. Indeed, the Head of the GC secretariat has a long-term experience in Parliament, as he started to work in the Eduskunta in 1990 (Interview 2b, 2018). He studied Law in Helsinki and worked in several countries for the UN for several years. He participated in the EU pre-accession negotiations on the parliamentary

level by being member of a working group that drafted constitutional amendments deriving from accession. He also established the Parliament's current EU scrutiny system from scratch. His knowledge is thus not only well-developed on internal parliamentary procedures, but also on EU issues. He witnessed the successive procedural revision steps within Parliament since Finland's EU-accession. Therefore, his Europeanised profile and expertise in parliament have been forged through his field experience rather than prior knowledge and educational background. Whenever interviewed MPs and former MPs talked about the Eduskunta's scrutiny system, they referred to the Head of the Grand Committee secretariat as the founding father of the system and senior expert civil servant incarnating somewhat the memory of the Eduskunta's participation in EU affairs.

The GC secretariat deals mainly with government documents related to EU affairs and less directly with EU documents themselves, with exception of those falling into the subsidiarity control mechanism. The Government transfers all EU related documents to the GC. Once the documents classified as "U-matters" or "E-matters" or those concerning subsidiarity matters arrive in the committee, the civil servants are responsible to distribute them to the competent sectoral committees. According to the Head of the GC secretariat, the selection happens schematically based on a table that he reviews every Thursday after the government session (Interview 2b, 2018). He then sends a message to the Speaker's secretariat to suggest the redistribution of issues to sectoral committees. Thus, the Head of the GC secretariat is both the legal and constitutional counsellor of the GC responsible for the management of the EU affairs monitoring system. He has to make sure that sectoral committees submit their opinions to the GC within the requested deadlines and the appropriate format. He ensures that procedures and timing are respected. His functions give him a privileged position towards the political sphere, as he can point out the unconstitutionality of a legislative matter initiated by MPs (Interview 2b, 2018). The Head of the GC secretariat also manages the Parliament's information database and can access the Government's database. GC staff usually receive data on EU affairs as downloadable metadata including only non-classified documents. Classified documents have to be requested separately and the Government is obliged to provide the information if the confidentiality of the data is secured.

The Head of the GC secretariat makes sure that coordination between parliament and government in EU affairs works properly. He makes sure that information arrives on time. He coordinates the timetables of the ministerial civil servants and gives them feedback on parliament's activities (Interview 2b, 2018). The Head of the GC secretariat has privileged personal contacts with ministerial civil servants and ministers themselves, mainly due to the small political environment, just as in Luxembourg. Moreover, he becomes an arbitrator whenever a sectoral committee expresses an opinion diverging from the majority's position. In that case, he contacts the responsible ministry and tries to find a compromise between the committee's and the ministerial position. However, contacts to political group staff are seldom. On the EU level, relations to Finland's Permanent Representation are not regular and happen only whenever a parliamentary delegation visits Brussels. Due to the difference in schedules and topical priorities between the Eduskunta and Finnish MEPs, contact with MEPs is also limited. The Head of the GC secretariat would meet more frequently a Finnish MEP if the latter

would be a rapporteur or shadow rapporteur in the European Parliament, which does not happen often (Interview 2b, 2018).

The main EU contact of the GC secretariat is the parliamentary liaison office in Brussels. The liaison officer is directly attached to the GC secretariat and reports to the Head of the secretariat. The Eduskunta was one of the first parliaments to create the position of a parliamentary representative in Brussels. Before its existence, MPs were relying exclusively on COSAC meetings or connections to European parties. The liaison officer has a special status, because he/she is recruited by the Government, but the officer is accountable to the GC secretariat. The current liaison officer worked in the Ministry of Education and Culture before being dispatched to Brussels (Interview 1b, 2018). The representative holds the position since 2013, with prior professional experience linked to EU affairs. The liaison officer studied EU affairs and did an internship at the European Commission, which provided her with an insight on the functioning of EU institutions. Both the educational background and professional experience linked to EU affairs might have been an advantage to access the position of liaison officer.

Just as the Austrian and Luxembourgish representative, the Finnish liaison officer has a communication and logistics function (Interview 1b, 2018). Tasks include drafting analytical and non-partisan reports destined for MPs and the parliamentary administration, the organisation of MPs' and GC visits to Brussels, participation in COSAC meetings and the management of social media. The representative's office is in the European Parliament, but he/she covers EU topics that concern all EU institutions. The liaison officer puts MPs and MEPs in contact and sends weekly reports that are published on the Eduskunta's website. Exchanges also happen with committee counsellors. The main role of the liaison officer is thus to provide political inputs and background information from the EU level that differ from the formal government information to facilitate the formulation of positions in parliament. The liaison officer maintains contacts with the EU coordinators of the Eduskunta's parliamentary groups, the staff of the GC secretariat, the Permanent Representation of Finland<sup>430</sup> and the EU office of Finnish trade union confederations FinUnion. Exchanges with parliamentary group and administrative staff happen through email. Meetings are organised whenever the GC visits Brussels or when the liaison officer returns four times per year to Helsinki (Interview 1b, 2018). Overall, there are privileged links between the parliamentary representation in Brussels, EU-based bodies and GC members. Sectoral committees and the rest of the MPs in the Eduskunta only request information when needed.

### *7.2.3 Parliamentary groups: composition and tasks*

Just as in Luxembourg and to a bigger extent Austria, parliamentary groups are the main influencers in the decision-making process within the Eduskunta. According to an interviewee, financial support for groups depends on their size (Interview 6b, 2018). The biggest groups of

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<sup>430</sup> Contacts with ministerial staff on the national level are very rare (Interview 1b, 2018).

the current legislative period (2015-2019) are the KESK, KOK, SDP and Blue Reform<sup>431</sup>. The SDP has the most staff (41), followed by the VIHR (21), the Blue Reform (16), the KESK (12), the VAS (12), the KOK (10), the KD (8), the PS (6) and the SFP (4)<sup>432</sup>. Each group can organise their staff as they wish. For instance, the VAS has parliamentary advisors responsible for one or more committees and three policy experts focusing on Foreign Affairs, Security and EU affairs, Environment and Economic Affairs (Interview 6b, 2018). Advisors and group assistants have different statuses and different employers. Generally, group assistants depend on the parliament and policy experts on MPs. Group staff are usually recruited through direct job applications (Interviews 6b, 11b, 12b, 2018).

Almost every parliamentary group engaged staff dedicated to EU affairs. The latter are considered as experts within their respective groups and support MPs' work on EU issues, especially GC members. However, their number is circumscribed. Indeed, parliamentary groups have only one EU advisor that benefits eventually from the support of other group staff. Some groups do not have enough resources or are too small to have an EU advisor, such as the SFP. The VIHR has one Legislative Secretary responsible among others for EU affairs. The KD had a part-time EU collaborator, which was replaced recently by a permanent position. Within the KOK, the policy advisor handling EU affairs is called a "Secretary for International Affairs", in the Blue Group "policy expert in International Affairs", in the KESK "senior advisor in EU affairs and Foreign and Security Policy" and in the SDP "EU affairs advisor". Despite different denominations, the statuses of EU advisors are quite similar. However, some have permanent positions and others change their functions after legislative elections.

Overall, interviewed EU advisors have different educational backgrounds not automatically linked to EU affairs. For instance, the KD EU advisor did a PhD in engineering in India. The SDP EU advisor studied International Relations and Law, while the VAS EU advisor did a master in Politics and History. The common feature of their educational background is their international experience. Almost all interviewed EU advisors spent time abroad in the framework of their studies. Most started with a different position within the group before becoming EU advisor. Some interviewees had long-term functions, such as the KESK EU advisor who started as an MP assistant in 2001 (Interview 11b, 2018). The advisor started to deal with International Affairs in 2003, when he became the advisor of delegation members to the EU Convention. The KD EU advisor first started as editor in chief of the party's magazine for ten years, then became MEP assistant between 2009 and 2014 (Interview 12b, 2018). Younger EU advisors exert their current functions after a short prior experience in the group. For instance, the SDP EU advisor worked in the Finnish embassy in Lithuania as an EU coordinator before joining the group, first as a political assistant (Interview 8b, 2018). The VAS EU advisor worked for NGOs and the EU Unit of the Ministry of Foreign Affairs, before being recruited as a group assistant (Interview 6b, 2018).

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<sup>431</sup> See <https://www.eduskunta.fi/EN/kansanedustajat/eduskuntaryhm%C3%A4t/Pages/default.aspx> (last accessed 13.06.2019)

<sup>432</sup> See <https://www.eduskunta.fi/FI/kansanedustajat/eduskuntaryhmat/Sivut/default.aspx> (last accessed 13.06.2019)

Few interviewees also had professional experience in the executive, which might give them an advantage in terms of personal contacts and resources in their work. For instance, the KESK EU advisor was a press-advisor to the Minister of Foreign Trade and Development in 2005-2006, as well as EU advisor to the Prime Minister Juha Sipilä from 2015-2017 (Interview 11b, 2018). The VAS EU advisor worked in a ministry before, which might be beneficial, even though the party is currently in the opposition. Interviewees became EU advisors for different reasons: genuine interest for EU affairs, ideological proximity to the party, prior associative commitments<sup>433</sup> and professional/educational background.

Tasks vary slightly between EU advisors. The KESK and VAS advisors are responsible for three committees (GC, Foreign Affairs and Defence), while the KD and SDP advisors focus on the GC (Interviews 6b, 8b, 11b, 12b, 2018). Generally, EU advisors read EU documents according to the group's priorities, gather background information and prepare GC meetings. Advisors in opposition groups also prepare dissenting opinions. As GC meetings are not public, political group staff cannot attend them. However, they participate in the group meetings of their respective GC members. Every group has so-called committee-group meetings, where MPs from the same group and the same committee meet to discuss and coordinate their position before official committee meetings. For instance, the KESK advisor attends meetings of KESK GC members every Friday at noon before GC meetings. The VAS advisor checks every Tuesday and Friday morning the committee agenda and coordinates with VAS MPs. Communication with the media is also one of the tasks of an EU advisor (Interview 6b, 2018).

EU advisors use different information sources to stay informed on EU matters, such as European media, the mailing list of the Parliament containing among others the report of the liaison officer and daily newsletters, national newspapers, governmental decisions and other public sources. Some information from the GC is only accessible to group staff if they maintain a good relationship with their MPs, which places personal connections as an additional important resource (Interview 6b, 2018). EU advisors also obtain information through cooperation with national and EU actors. Cooperation with ministers or their staff depends on the party's position on the majority-opposition scale. For instance, neither the KD nor the SDP EU advisors have contact with ministries, contrary to the KESK EU advisor (Interviews 8b, 11b, 12b, 2018). Exchanges with the parliamentary administration are quite rare and happen via email or phone. Moreover, contacts to other parliamentary groups are infrequent and occur only if a group needs support in drafting a position (Interview 6b, 2018). In that case, opposition groups would tend to establish a common position for strategic purposes. On the EU level, contacts are non-existent with the Permanent Representation and very seldom with MEPs and their collaborators due to schedule problems, even though some MEPs have local assistants based in Helsinki.

Whenever an EU issue requires special competences, EU advisors cooperate with their group colleagues. For instance, when an EU document is sent to a sectoral committee, SDP collaborators following the specific committee get in touch with the EU advisor to provide information about SDP MPs' position within the concerned committee (Interview 8b, 2018).

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<sup>433</sup> For instance, the KESK EU advisor was active in the European Movement of Finland and engaged in the pro-EU referendum campaign back in 1994-1995 (Interview 11b, 2018).

This allows coordination across SDP committee members and with GC members. Within the KESK group, staff exchange emails regularly and attend weekly staff meetings. The latter differ from one group to the other. For instance, KESK staff meet every Tuesday morning and VAS staff every Monday morning to discuss the weekly agenda (Interviews 6b, 11b, 2018). Additional smaller discussion rounds can be organised whenever matters need to be discussed in detail. On top of the meetings for group employees, meetings for party employees are organised every Monday morning at the KESK headquarters. In that case, group staff, party staff, KESK ministers' advisors, party officers etc can attend these meetings. On top of the staff meetings, general group meetings composed of both staff and MPs, with the presence of ministers, are organised in each group every Thursday afternoon. These meetings serve to find a consensus on controversial matters. Whenever MEPs participate in group meetings, they usually come to meetings of GC group members.

Just as in Luxembourg and Austria, MPs and MEPs can participate in working groups on EU affairs within their party to formulate positions and discuss EU issues ex-ante. The denomination and organisation of these working groups vary. For instance, the VAS has a working group on Foreign Affairs and Security Policy. In general, EU advisors are also the secretaries of these working groups which main goal is to design the party's EU guidelines. Meetings are not frequent and topics are chosen depending on the topics on the agenda. The KD party has no EU working group, but instead ad hoc meetings are organised whenever an important event needs to be prepared. Currently, the 2019 European elections and the Finnish EU Presidency in 2019 occupy EU working groups' agendas. Within the SDP, an MP and the director of FinUnions chair the working group on Europe. According to an interviewee, the creation of a working group in the SDP was an evidence with regard to the pro-European "genes" of the party (Interview 9b, 2018). This reflects one more time the close link between trade unions and the SDP. Additionally, the SDP created recently an EU taskforce that formulates opinions on specific EU matters, such as the EMU or the European Social Dimension. The taskforce is supposed to be more reactive than the EU working group and was designed to prepare Finland's EU Presidency in 2019 (Interview 8b, 2018).

#### *7.2.4 Parliamentary committees and EU affairs*

In the literature, the Eduskunta is characterised as a "working parliament", because it relies mainly on committee work rather than plenary debates (Raunio, In: Heffttler/Neuhold/Rozenberg/Smith, 2015; Raunio/Wiberg, 2008). The Parliament's debating function has been improved with the economic crisis and the politicisation of EU affairs, but still remains marginal. Focus on committee work can be explained by several factors. Firstly, the scrutiny of EU affairs within the Eduskunta aims primarily to control the Government's EU policy. Secondly, the low salience of EU affairs within Parliament does not encourage mediatisation of EU topics through public debates. Thirdly, the growing Euroscepticism of the public opinion leads Parliament to prioritise non-public committee meetings (Raunio, 2016). Finally, EU affairs might divide parties during public debates, which could undermine the consensus-oriented practices (Raunio, In: Tans/Zoethout/Peters, 2007). Within the Eduskunta,

the scrutiny of EU affairs is decentralised. The main responsible for EU affairs is the Grand Committee, which deals with national policy formulation of EU issues and justice matters (Wiberg/Raunio, 1996). The Foreign Affairs Committee handles the CFSP. The Foreign Affairs Committee is responsible for the examination of government bills on treaty amendments, while the GC is competent for controlling the Government's negotiating behaviour during IGCs (Raunio, In: Karvonen/Paloheimo/Raunio, 2016).

Every sectoral committee is involved in the scrutiny of EU affairs according to Sections 30 and 38 of the RoP, either for regular EU matters or for matters linked to the subsidiarity control mechanism<sup>434</sup>. Just as in the Luxembourg Chamber of Deputies and the Austrian National Council, sectoral committees deal differently with EU affairs depending on the topics on the agenda and their priorities. For instance, the Education and Culture Committee as well as the Committee on the Future handle the least EU issues (Raunio, In: Karvonen/Paloheimo/Raunio, 2016). Reversely, the Committees on Environment, Agriculture and Forestry and Commerce are the most involved in EU scrutiny. According to Raunio and Wiberg, the high workload of sectoral committees on EU topics can be explained by the anchorage of their participation in the Finnish Constitution in Section 96 and 97<sup>435</sup>. The Grand Committee is responsible of consulting the competent sectoral committees, of receiving their opinions and if necessary of arbitrating between diverging positions.

The Grand Committee is the biggest committee in the Eduskunta and was originally established in 1906, but became the Parliament's EAC when Finland joined the EU. It has 25 members<sup>436</sup> and the MP from the Åland Islands can participate in its meetings (Raunio, In: Tans/Zoethout/Peters, 2007). The GC secretariat and the liaison officer in Brussels support GC members' work. Opposition MPs can chair the GC (just as sectoral committees). An interviewed former MP admitted for instance that he became GC chair when his party was in the opposition (Interview 7b, 2018). The GC chair of the current legislative period 2015-2019 comes from the majority party KOK. Usually, strategic committees remain between the hands of the majority. The GC holds meetings every Friday afternoon after the Friday morning meeting of the Ministerial Committee on EU affairs. The GC hears ministers before they attend Council meetings on the EU level.

The GC's functions are regulated in the Finnish Constitution, the Parliament's RoP and the GC's own RoP. The GC has a unique position as it has the ability, like the "EU-Hauptausschuss" of the Austrian National Council, to take decisions on behalf of the plenary (Section 96, Finnish Constitution). Whenever a "U- or E-matter" arrives in parliament, the

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<sup>434</sup> "At the same time, the Speaker shall designate the Committee that is to provide a statement to the Grand Committee or the Foreign Affairs Committee. The Grand Committee or the Foreign Affairs Committee may set a deadline for the statement of that Committee." Section 30 - European Union Matters, Parliament's Rules of Procedure, 1999; "In addition, the Grand Committee and the Foreign Affairs Committee may request the statement of another Committee on a proposal or report referred to in sections 96 and 97 of the Constitution." Section 38 – Statement of another Committee, Parliament's Rules of Procedure, 1999.

<sup>435</sup> "The proposal is considered in the Grand Committee and ordinarily in one or more of the other Committees that issue statements to the Grand Committee." Section 96 - Participation of the Parliament in the national preparation of European Union matters; "The appropriate Committee of the Parliament may issue a statement to the Government on the basis of the reports or information referred to above." Section 97 - Parliamentary right to receive information on international affairs, The Constitution of Finland, 11 June 1999.

<sup>436</sup> Section 35, The Constitution of Finland, 11 June 1999.



Speaker transfers it to the GC, which can decide which sectoral committees to include. The GC examines mostly secondary legislation and sometimes institutional affairs. Thus, the committee has a wider vision on EU issues, as it focuses on the Government's annual EU priorities and general strategies. The GC also receives the sectoral committees' opinions and exerts the final decisional power. Together with its secretariat, the GC drafts an opinion that includes all the committees' positions. In case of diverging opinions, the competent committee chairs can also try to find a compromise together with the GC secretariat. Thus, the GC determines the most consensual national position to be presented on the EU level. Apart from that, direct cooperation between the GC and sectoral committees is rare. Only MPs from the same parliamentary group and different committees get together in group meetings. Ministers are obliged to provide all information to the GC with regard to European Council or Council meetings, so that the GC can prepare a position. Information includes among others memos with document references and an explanation of the Government's position. Ministers and the Prime Minister are then bound to the GC's opinion when negotiating on the EU level. Generally, coordination between the GC and the ministers before EU-level meetings happens beforehand. However, GC members might be obliged to meet ad hoc during Council or European Council meetings whenever ministers need to take decisions diverging from the GC's position. In that case, they need the GC's prior approval. According to an interviewee, late-night phone calls from the Prime Minister during a European Council meeting were quite frequent when the former MP was GC Chair (Interview 7b, 2018). Therefore, the GC's schedule differs from sectoral committees, because GC members need to be available all year long at any time. According to an interviewee, while the Foreign Affairs Committee would have only three to five issues on its agenda per meeting, the GC can have up to 40 issues (Interview 6b, 2018). This might discourage MPs to become GC member.

MEPs can be invited in GC meetings, but are considered as external experts. Common meetings between MEPs and GC members are programmed twice per year. Additionally, GC members travel to Brussels once per year and participate in study visits in European and candidate countries. The presence of MEPs in GC meetings has not been institutionalised yet and is confined to a system of habits (Interviews 4b, 9b, 2018). MEPs cannot participate in GC meetings on their own initiative. The same applies to sectoral committee meetings. Sectoral committees invite very rarely MEPs. Overall, the contributions of MEPs in the Eduskunta are not seen as beneficial. Inviting them might be complicated due to diverging schedules, but also because no Finnish MEP holds any rapporteur position within the European Parliament. This means that whenever an MEP is invited, all Finnish MEPs need to be convened to avoid political conflicts and ensure ideological representation (Interview 2b, 2018).

#### *7.2.5 Cooperation between parliament and government on EU affairs*

As mentioned earlier, the Finnish scrutiny model on EU affairs copied the Danish system, which emphasises in particular a strong parliamentary control over governmental activity. The Government's obligation to transfer information to Parliament is regulated in the Finnish Constitution in Sections 96 and 97. The Government must send without delay all

information on EU proposals that could affect the legislative or budgetary decision making in Finland (Interviews 4b, 7b, 9b, 2018). The information sent to parliament in form of “U- or E-letters” must contain the Government’s position, as well as the content and effects of the proposal. Usually, ministers present their position every Friday during GC meetings, after prior morning meetings of the Government EU Ministerial Committee. Even if the Government’s position on an EU matter has not been formed yet, information has to be sent to Parliament.

Within Parliament, the GC or the Foreign Affairs Committee can issue statements on government proposals. The GC’s statements bind the responsible minister during negotiations on the EU level. Constitutionally, the Eduskunta has thus powerful competences to control the Government’s EU policy. Access to governmental information is unlimited (Raunio, In: Wessels/Rozenberg et al., 2013) and the GC can stay in constant contact with ministers during (European) Council meetings. Ministers also have to appear in front of the GC before and frequently after Council meetings. Ministerial civil servants or experts usually accompany them. Moreover, upon request of the Parliament, the Government must also submit reports on Foreign and Security policy. Even though most MPs admit that governmental information is satisfying and comprehensive, the quality and quantity of this information and personal contacts with civil servants still depend on MPs’ political positioning (Interview 3b, 9b, 2018). Interviewees who belonged to majority parties had easier contacts with government officials than opposition MPs. Majority MPs receive privileged information and support strongly their ministers. Thus, parliamentary work tends to be highly dependent on ministries and ministers’ positions, at least within majority groups. Opposition MPs must often draft their own positions or dissenting opinions, while majority MPs settle for the Government’s position.

Until the economic crisis, EU scrutiny in Finland has been consensual and pragmatic. Consensual practices through voluntary absence of conflicts between government and parliament or opposition served to show a unitary and coherent position on the EU level (Raunio, In: Karvonen/Paloheimo/Raunio, 2016). These dynamics have changed since the economic crisis, with increased reluctance from some opposition groups to support the Government’s crisis management. While consensual relations might have led the Eduskunta to be rather passive during the Constitutional Treaty and the Lisbon Treaty, increased conflictual lines between parliamentary groups might have fuelled increased parliamentary activity during the ESM and the TSCG. Political dynamics between opposition and majority are different within the GC. Indeed, on top of the traditional cleavage, the Government’s EU policy happens also to be criticised by single MPs from both sides of the political spectrum (Raunio/Wiberg, In: Strøm/Müller/Bergman, 2006). According to the authors, the GC “has refused to act as the government’s rubber-stamp” (Raunio/Wiberg, p.71, In: Strøm/Müller/Bergman, 2006).

Overall, the executive remains the predominant actor in the Finnish legislative process, also in EU affairs (Interview 5b, 2018). According to an interviewee, Parliament lacks initiatives and endorses a rather reactive role in EU affairs (Interview 10b, 2018). Moreover, mandates given to ministers are not as strict as formally regulated (Interview 10b, 2018). Rather, the GC sets targets with a bottom-line and ministers follow these. If a minister did not manage to follow the targets, he/she has to come back to the GC after the Council meeting to expose the reasons. Loose mandates enable ministers to negotiate according to the majority on the EU level

without being blocked by a strict domestic position. According to an interviewee, the aim to reach a unanimous position on the EU level and to avoid a reputation of “blocker” led the GC to loosen up its mandating policy (Interview 4b, 2018). As we will see later in this chapter, the economic crisis and electoral promises led the SDP to put this strategy into question. Instead, the SDP requested collaterals with Greece, which were controversial both on the national and European level. To sum up, party dynamics seem to affect substantially the relation between government and parliament, and thus also parliamentary work.

#### *7.2.6 Discussion*

This section outlined the Eduskunta’s formal EU scrutiny system and the different parliamentary actors in charge of these issues. Overall, the scrutiny system did not evolve substantially since Finland joined the EU in 1995. The Finnish scrutiny system focuses on the Government’s EU policy and is deeply rooted in the Finnish constitutional system (Interview 7b, 2018). In general, interviewees are very satisfied with the Eduskunta’s participation rights, which are described as the most far-reaching in the EU (Interviews 3b, 4b, 5b, 9b, 10b, 2018). The Parliament even sent out delegations to candidate countries before 2004 to provide advice on EU scrutiny and spread good practices (Interview 7b, 2018). The GC can bind ministers with a mandate and impose a position before the negotiation on international treaties (Interview 4b, 2018). We observed that the highly decentralised scrutiny system enables sectoral committees to participate regularly in EU affairs, in close cooperation with the GC, which coordinates their position. This means that theoretically, all MPs can be involved in EU issues, regardless of their ideological or political positioning. The Eduskunta is thus a “working parliament” focused on committee work instead of plenary debates, which forged its “strong legislative culture” (Arter, p. 279, 2012).

Finnish MPs highly value the parliamentary administration’s support, especially the Secretariat for EU Affairs. Civil servants from the Unit are seen as EU experts, even though they are not numerous. Additionally, parliamentary groups constitute the second most important support in MPs’ EU activities. Within most groups, EU coordinators or advisors support GC members by searching background information or drafting reports. The Eduskunta’s confidence about its strong formal capacities and the focus on government control has two consequences. First, it means that the Eduskunta avoids direct engagement at the EU level (subsidiarity monitoring) and participation in interparliamentary conferences (Cooper, 2015). Parliament is also sceptical towards cooperation with MEPs, which is reflected in its legal bases. MEPs participation in the Eduskunta’s work is mentioned only indirectly, as their added value for the Eduskunta’s scrutiny is seen as low (Raunio, In: Tans/Zoethout/Peters, 2007). Moreover, some interviewees admitted that the parliamentary liaison office in Brussels constituted a limited information channel for MPs (Interview 7b, 2018). As scrutiny bases on government control, any source of information from the EU level is seen as superfluous. Secondly, the Eduskunta does not see the necessity to improve its formal capacities or practices, as its parliamentary strength in EU affairs is widely recognised (Raunio, 2016).

The strength of the Danish inspired scrutiny system lies in the fact that parliament is involved at a very early stage in the legislative process and cooperates closely with the

government. Indeed, the Eduskunta's control rights are well developed. Just as in the Danish Parliament, the Finnish GC can issue a binding mandate to ministers before Council negotiations. Ministers come every Friday before Council meetings and have to report to the GC after the meetings. Moreover, both in Denmark and Finland, sectoral committees can scrutinise EU affairs. Therefore, just as the Danish Parliament, the Eduskunta is seen as a strong policy-maker and "national player" by Wessels et al. (p.462-463, 2001). Just as in Luxembourg and Austria, majority MPs benefit from more information from their ministers, but remain more passive than opposition MPs. The latter have to produce more efforts to obtain and process information, even though the information flow works well. The GC is usually headed by a majority MP, which could also mean that the GC's agenda might be indirectly influenced by ministries through parliamentary group meetings with ministers (Interview 6b, 2018). Before the economic crisis, all MPs, whether from the majority or the opposition, made sure that the Government respected its information obligations. According to an interviewee, the close intertwining between government and parliament limits the Eduskunta's influence on EU affairs, as most MPs simply agree with the Government's line (Interview 5b, 9b, 10b, 2018). This changed after the 2015 elections. While until the economic crisis, EU affairs were largely consensual, the situation changed when the True Finns entered the coalition in 2015 (Interview 4b, 2018). Work in committees became more politicised and the ideological gap grew bigger between the centre-right government and the centre-left opposition.

In conclusion, committee work and party-group dynamics determine to a large degree parliamentary activity in EU affairs within the Eduskunta. Formally, the decentralised scrutiny seems to support hypothesis H2 in the sense that mainstreaming happened through a systematic involvement of sectoral committees. However, in practice, some elements nuance it, as involvement varies considerably between committees depending on the topics on the agenda. Moreover, the predominance of majority groups on parliamentary work also tends to limit the involvement of opposition MPs. Based solely on the analysis of formal scrutiny procedures and infrastructures, we can already observe a rather incomplete mainstreaming of EU affairs in the Eduskunta. However, we have to underline that mainstreaming seems to be more pronounced in the Finnish Parliament than in the National Council and the Chamber of Deputies.

### 7.3 EU affairs in parliamentary work: opportunities and constraints

This part seeks to draw a sociological picture of MPs' involvement in EU affairs. The first section will focus on socio-demographic characteristics within the Eduskunta, while the second section will analyse general parliamentary activity and motivations lying behind it. In this part, we will test sub-hypothesis H2.1 according to which MPs with "Europeanised" profiles would tend to be more active in EU affairs. Just as in the Austrian case, we assume for instance that senior MPs who participated in the 1994-1995 accession process would be particularly inclined to follow EU treaties and intergovernmental treaties on the EMU. Moreover, contrary to the Luxembourg and Austria cases, we expect MPs from sectoral committees to be more involved in EU affairs within the Eduskunta, due to the high decentralisation tendencies (H2.2). This leads us to test hypothesis H2 on the mainstreaming of

EU affairs. The socio-demographic explanations and the analysis of parliamentary activity base on statistics retrieved from the Eduskunta's website, MPs' biographies and interviews with parliamentary civil servants, group collaborators and (current and former) MPs.

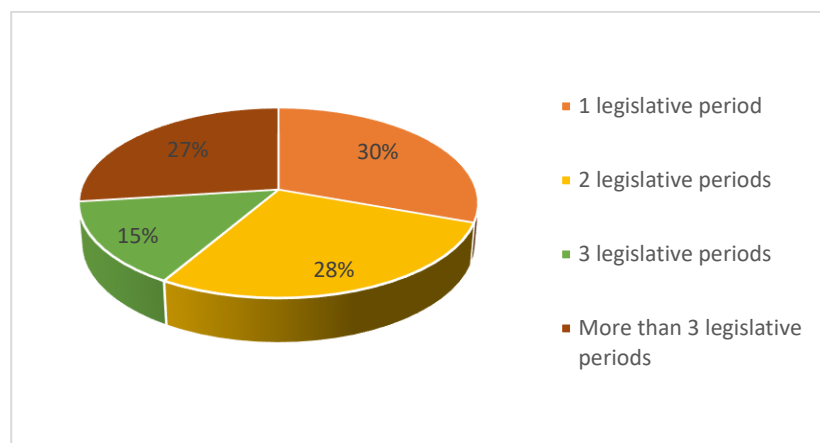
### *7.3.1 General socio-demographic characteristics of the Eduskunta*

In the present section, we will analyse the composition of the Eduskunta, more particularly the profile of the key players active in EU affairs. We base our analysis on sociological and motivational criteria that might influence parliamentary involvement.

#### *7.3.1.1 Composition of the Eduskunta: MPs' profiles*

Within the Eduskunta, more than half of the members (58%) exerted their first or second mandate as of the current legislative period (2015-2019). This can be explained by the massive electoral gain of the True Finns in 2015 and the entry into parliament of numerous new PS members. Only 27% of the MPs exerted more than three mandates, which places the Eduskunta as the parliament with the youngest MPs among the three case studies. Young MPs do not have the same knowledge of parliamentary practices as senior MPs. However, they might be more active, because they need to position themselves politically and prove to their voters that their choice was justified.

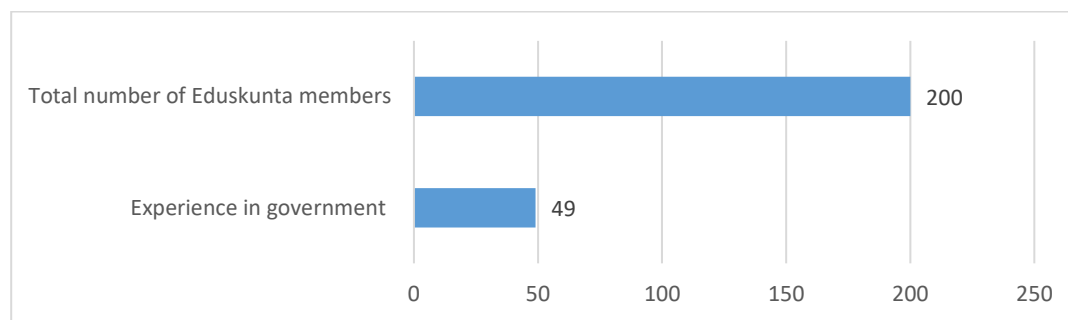
**Figure 58: Number of exerted parliamentary mandates per MP (in %), Eduskunta, 2015-2019**



Source: Own calculations.

Just as in the Austrian National Council and the Luxembourg Chamber of Deputies, some MPs had a prior experience in the Government. However, contrary to Austria and Luxembourg, the proportion of Finnish MPs with prior or current executive functions is considerably high. Indeed, out of 200 MPs, 49 had experience or still exert functions in the executive. The graph below shows the proportion of MPs with current or prior experience in government.

**Figure 59: Number of MPs with experience in government (in total), Eduskunta, 2015-2019**



Source: Own calculations.

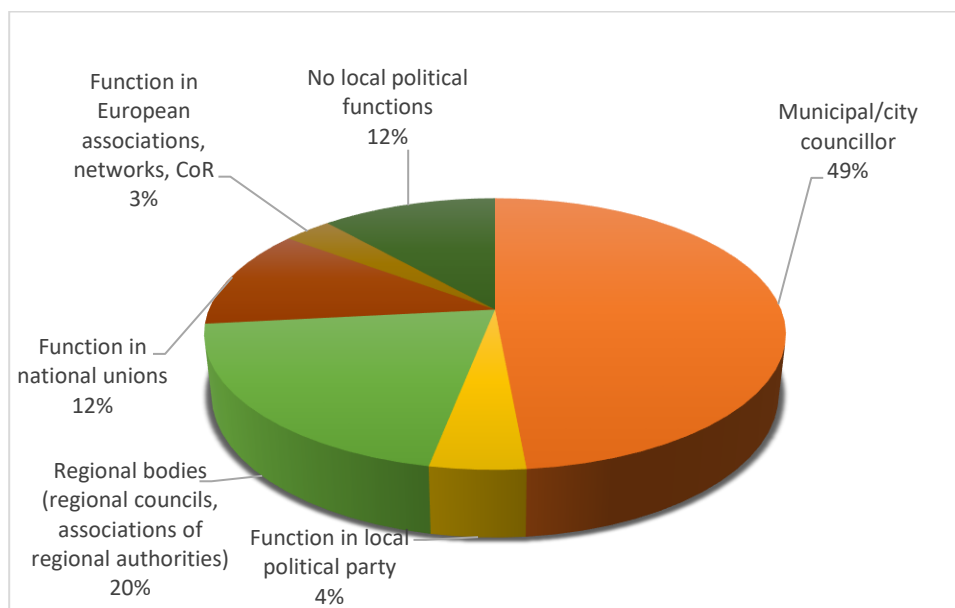
The high number of MPs with prior experience in government can be explained by the fact that several MPs exerted ministerial functions only for a very short amount of time. Changes within the Government seem to be quite frequent. Several MPs were ministers for only a few months before coming back to parliament. Most MPs with government experience come from the biggest parties SDP, KOK and KESK that usually form coalitions together.

Just as in the Austrian National Council, nominated ministers can keep their MP function, but have to resign from all committees and other parliamentary positions (Interview 4b, 7b 2018). This means that they can still participate in parliamentary voting. Even though not mentioned explicitly in the Finnish Constitution or the Parliament's RoP, incompatibility between ministerial and parliamentary functions are accepted in practice. According to Section 63 of the Finnish Constitution, "[w]hile holding the office of a Minister, a member of the Government shall not hold any other public office or undertake any other task which may obstruct the performance of his or her ministerial duties or compromise the credibility of his or her actions as a Minister"<sup>437</sup>. The article remains vague on the compatibility between parliamentary and ministerial positions as such, but confirms that any additional functions within the Eduskunta might represent an obstruction to ministerial performance. The implication of this double-hat possibility can be that MPs abstain from engaging in conflictual strategies within parliament to increase their chances to be nominated in the government in the future. This behaviour might thus encourage passivity in terms of parliamentary activity. Indeed, there are higher chances for Finnish MPs to integrate future coalition formations, because coalitions are usually composed of multiple parties. Prior government members use the parliamentary arena to leave a political mark. Some MPs might also use the Eduskunta as a last step in their political career after a long period spent in government.

In the Eduskunta, just as in the Luxembourg and Austrian chambers, most MPs exert double mandates: they have both national and regional or local representative functions. As illustrated by the graph below, almost half of the 200 members exert a local mandate as municipal councillor.

<sup>437</sup> Section 63 - Ministers' personal interests, The Constitution of Finland 11 June 1999.

**Figure 60: Distribution of representative functions among MPs (in %), Eduskunta, 2015-2019**



Source: Own calculations<sup>438</sup>.

Mandates in regional bodies represent the second biggest category. In Finland, local and regional authorities play a particularly strong role in the territorial management of the State. This could explain why a large proportion of MPs also exert functions on these levels. Contrary to the Austrian National Council, positions in local parties are circumscribed. Due to the electoral system privileging individual candidates, the ties to local parties tend to be loose because profiling and closeness to the voter pass mainly through positions in local or regional bodies such as municipalities. Unlike Austria, most MPs did not start their political career in the local branch of their party. Rather, affiliation to political parties plays a bigger role on the national level, because they are the main determinant of the government-parliament relations.

Surprisingly, trade union membership seems to be less predominant, even though trade union confederations tend to be close to some parties. As explained before, trade union affiliation concerned mainly MPs from the SDP, VAS and PS. On top of that, Finnish MPs exert very few functions in European associations or bodies, proof that their interest is turned mainly towards domestic matters.

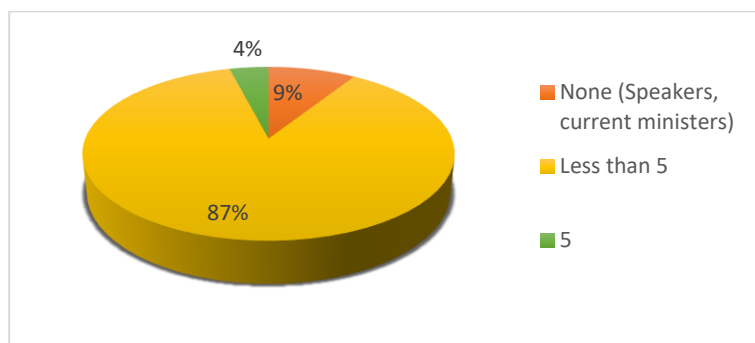
The large proportion of overlapping mandates could be an indicator of insufficient time spent on national-level issues, as constituency agendas might play a big role in MPs' schedules. MPs usually return to their constituencies on Fridays until Mondays, but miss local meetings during the week to attend parliamentary committee meetings. According to an interviewee, some MPs deliberately chose to avoid GC membership, because its Friday afternoon meetings would prevent them from returning to their constituency (Interview 7b, 9b, 2018).

<sup>438</sup> The data was retrieved from MP's profiles on the Eduskunta's website, as well as MP's personal websites. Data on trade union affiliation are scarce, therefore the graph might not show an exhaustive picture of the real affiliations.



Within parliament, a large majority of MPs are member of less than five committees. Usually, MPs belong to two parliamentary committees (Interview 3b, 9b, 2018). MPs can also be committee substitutes. Section 9 of the RoP sets the limits to committee membership. An MP belonging to two committees can refuse any additional memberships. However, this choice depends on each MP and restriction is not clearly delimited. Unlike Luxembourg and Austrian MPs, Finnish MPs can focus on detailed issues due to their few memberships. They can handle issues as thoroughly as possible, because they have less time constraints.

**Figure 61: Number of full committee memberships per MP (in %), Eduskunta, 2015-2019**



Source: Own calculations.

Whenever MPs choose their committees, they check the compatibility of their schedules. Some committees meet in the morning, while others in the afternoon. Selection in committees depends largely on MPs' parliamentary group. Indeed, the latter makes the final decision according to MPs' wishes, competences and seniority in parliament (Interview 10b, 2018). For instance, MPs' professional experience outside of the parliamentary sphere might influence its selection in committees. Former doctors will have more chances to sit in the Social Affairs and Health Committee. Moreover, as explained earlier (Section 7.2.4), opposition MPs can chair committees according to the principle of proportionality, strictly applied within parliament<sup>439</sup>.

To conclude this section, we observed that Finnish MPs assign importance to local mandates. Domestic priorities seem to be prevalent, just as in Austria. Moreover, the current legislative period (2015-2019) is characterised by a young parliament. MPs with short-term mandates might be less inclined to get involved in EU affairs because of re-election prospects. Professionalisation among MPs seems also to be lower compared to the Austrian or Luxembourg chambers. Overall, the possibility for government members to stay in parliament and the important role of parties on the national level might affect parliamentary work. The next section outlines the profile of identified key players involved in EU issues.

<sup>439</sup> See Information report n°43 of the French Senate, 2006.

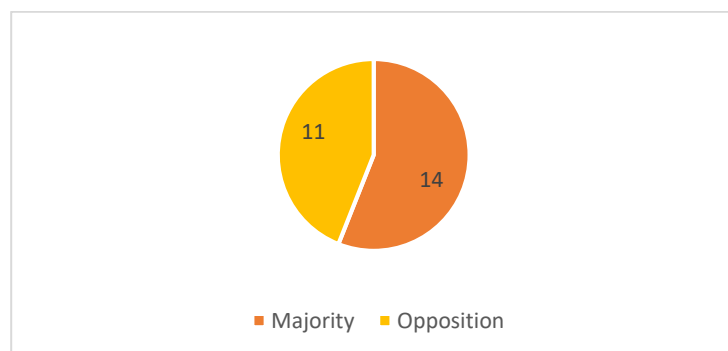
### 7.3.1.2 Profiles of the parliamentary key players in EU affairs

We identified key players based on lists of presence in committee meetings, minutes of plenary debates and committee opinions. We observed the same patterns as in Luxembourg and Austria: GC members are very active in EU affairs and the follow-up of EU treaties; sectoral committee members became active mostly during the economic crisis (especially PS MPs).

#### **GC members**

The GC is the biggest committee in the Eduskunta. The GC is composed of 14 MPs from majority parties and 11 opposition members. The GC is seen as a prestigious committee within the Parliament. Therefore, mostly experienced senior MPs get the chance to be nominated in the GC, even though this trend has changed in 2015 when the True Finns entered parliament. The predominance of majority MPs on the work of the GC reinforces the Government's influence on parliamentary activity in EU affairs. Among the represented groups from the opposition, most have pro-European positions (SDP, VIHR), except the Finns and VAS. The Eurosceptic Blue Reform group is in the majority, alongside the KOK and KESK. The multiplicity of parties results in an ideologically scattered majority.

**Figure 62: Ideological distribution of GC membership (in total), Eduskunta, 2018**

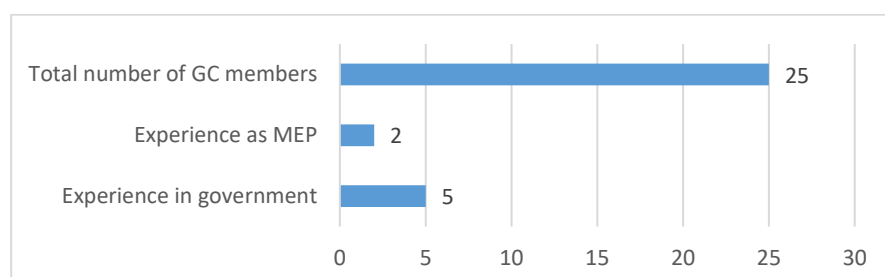


Source: Own calculations.

The current GC Chair (in 2019) is from the pro-European coalition party KOK, while the first vice-chair comes from the Blue Reform Group. Pro-European coalition partners keep control over European affairs, especially considering the fact that a committee chair can prioritise issues on the agenda. The nomination of the GC Chair is thus a clear sign that the KOK as the biggest party wants to control parliamentary work and tame its Eurosceptic partner.

Compared to the rest of Eduskunta members, the proportion of GC members with experience in the executive is slightly lower (20%). Former government members might prefer GC membership to sectoral committees, because the GC has powerful scrutiny competences within the Eduskunta. The reputation of the GC makes it a useful arena to boost political careers. Only two MPs also had a prior experience on the EU level as MEPs. Their experience on the EU level sensitised them more to EU affairs and legitimated them as EU experts within the GC.

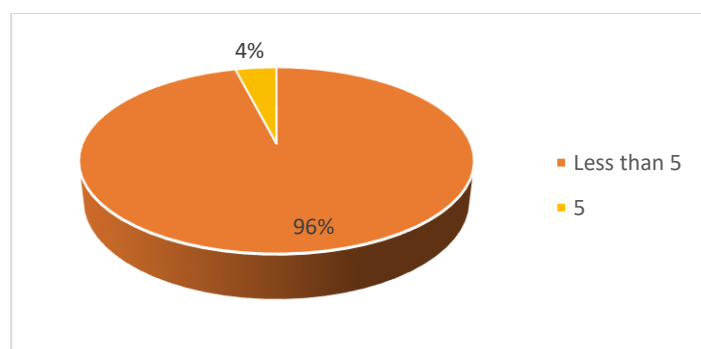
**Figure 63: Political experience of GC members (in total), Eduskunta, 2015-2019**



Source: Own calculations.

The distribution of committee memberships among GC members mirrors the distribution observed in the whole parliament. Almost all GC members belong to less than five committees, reflecting the general trend and the limits set by the RoP.

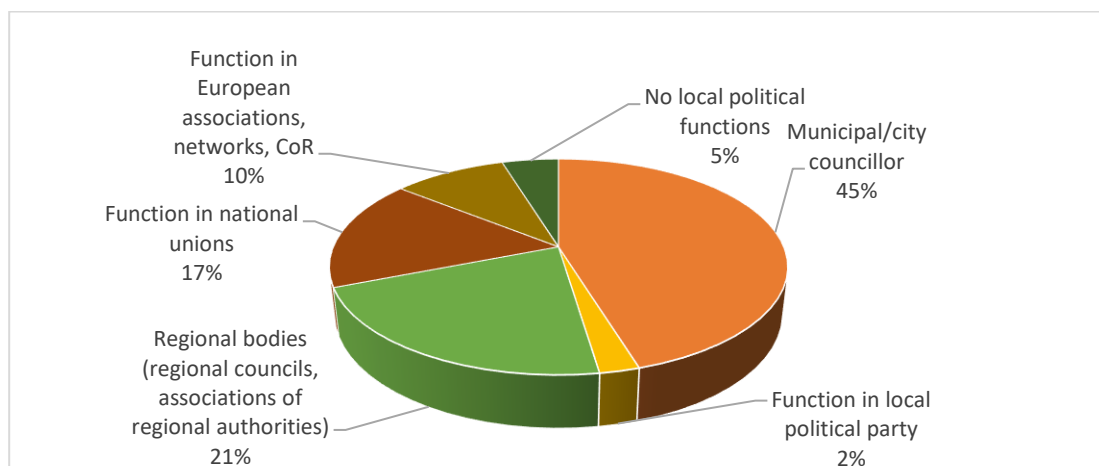
**Figure 64: Number of full committee memberships per GC member (in %), Eduskunta, 2015-2019**



Source: Own calculations.

Usually, GC members take their knowledge into the sectoral committees to which they belong, especially when an EU issue is on their agenda. Time spent on EU affairs outside of the GC depends on the sectoral committees' topics and agenda. For instance, an interviewee is simultaneously member of the Committee on Agriculture and Forestry, which deals frequently with EU affairs due to the importance of the CAP in EU policy (Interview 9b, 2018). CAP-related issues might figure frequently on the agenda of the committee, in which case the MP can mobilise his knowledge on EU affairs from the GC to facilitate the examination of the matter in the Committee on Agriculture. Moreover, the majority of GC members has double mandates on the local and regional levels, mirroring again the general trends observed before. Compared to the rest of parliament members, the proportion of MPs belonging to national unions or with functions linked to the EU is higher.

**Figure 65: Distribution of representative functions among GC members (in %), Eduskunta, 2015-2019**



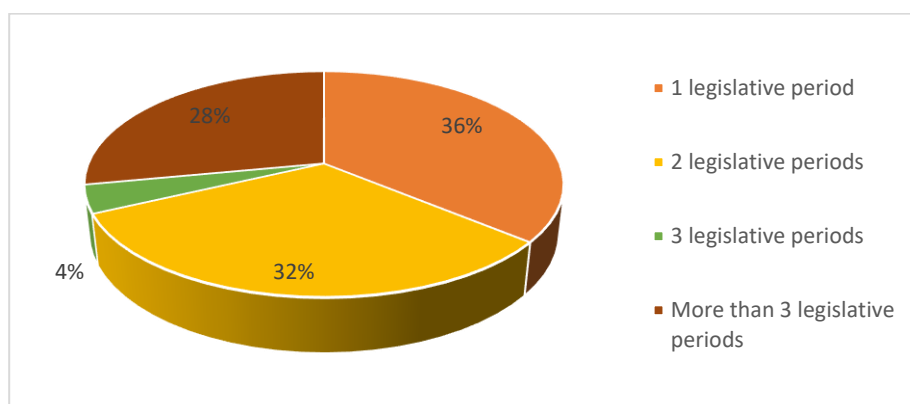
Source: Own calculations.

Membership in national unions was calculated based on GC members' profiles. We observed that none of the GC members is simultaneously member of a trade union confederation. Thus, there is no sign that the latter exert any influence on the GC's work.

Without surprise, GC members are more active on the EU level than sectoral committee members. They participate in interparliamentary cooperation, meetings of EP political groups or EU bodies such as the Committee of the Regions. Thus, GC members tend to be more sensitised to EU issues through their networking activities and direct access to information on the EU level.

The argument underlining the young composition of the Eduskunta also applies to the GC. Indeed, only 32% of its members exerted 3 or more mandates as of 2018. Most recently elected MPs come from the True Finns/ Blue Reform group, because a big proportion was elected in 2011 when the party became strong on the national political stage.

**Figure 66: Number of exerted parliamentary mandates per GC member (in %), Eduskunta, 2015-2019**



Source: Own calculations.

The young composition of the GC also indicates that MPs have less parliamentary experience in EU affairs and are less professionalised. On the one hand, this might be a challenge whenever complex issues arise, because the Government might keep the upper hand over EU affairs. On the other hand, an SDP interviewee admitted that more “young” MPs become interested in the GC, breaking the practice of a committee reserved initially to senior experienced MPs (Interview 9b, 2018).

In closing, the GC mirrors almost perfectly the overall composition of the Eduskunta. The only element that might indicate explicitly that GC members are more inclined to get involved in EU affairs is their higher participation in EU-level activities. Contrary to Austria and Luxembourg, we could not identify a clear profile of a typical GC member. Nowadays, GC members are rather “young” MPs coming from very different political horizons. They have less prior experience in the Government than the average MP. GC members do not have multiple committee memberships. Overall, like the rest of the parliament, we could not identify a high level of political professionalisation among GC members. Their profile is thus the complete opposite observable in the two previous cases. However, we need to underline that the elements observed above concern the current legislative period 2015-2019. The composition of the Eduskunta changed substantially with the emergence of the True Finns on the political stage.

### **Key players in the follow-up of EU treaties and intergovernmental treaties on the EMU**

Just as in the Luxembourg Chamber of Deputies and the Austrian National Council, we identified different types of key players involved in the follow-up of EU and intergovernmental treaty negotiations: GC members, Foreign Affairs (FA) committee members and some sectoral committee members. The first and second categories of MPs were predominantly involved in all treaties. The contrast between the profile of an average Finnish MP and GC/FA committee members (current and former) that followed EU and intergovernmental treaties is quite important. Most interviewed key players were or are GC members and exert(ed) long-term mandates.

Indeed, we observe firstly that the seniority rate of key players is higher than the average. Key players’ seniority in parliament illustrates the fact that the most experienced MPs with extensive knowledge on parliamentary practices, EU affairs and EU treaties were the most legitimate to deal with the treaties, because they were seen as experts. GC key players with more than 3 exerted mandates by 2015 represented 53% of all identified key players involved in the follow-up of EU treaties and intergovernmental treaties on the EMU<sup>440</sup>. A high seniority rate was also the norm among active sectoral committee members (more than 31%). Among the interviewed senior MPs, some even participated in the preparations of Finland’s EU membership, which shaped their interest for EU affairs (Interview 3b, 10b, 2018). Those MPs who accompanied Finland’s EU accession followed closely the evolution of scrutiny procedures and became sensitised quite early to EU affairs, because they followed the issues since the beginning of Finland’s membership. For instance, a former MP exerted his mandate from 1983 to 2015 and was member of the GC before Finland joined the EU, as well as member of the

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<sup>440</sup> Own calculations based on key players’ biographical data.

Finnish delegation to the European Parliament before 1995 (Interview 10b, 2018). He witnessed the successive transformation of the Eduskunta's participation rights in EU affairs and participated in the scrutiny of EU treaties. The interviewee admitted that the EU accession represented for him a significant achievement in his political career. Another MP who participated in the EU accession discussions as member of the Constitutional Law Committee was MP from 1991-1995 and 1999-2011 (Interview 3b, 2018). Another interviewee counts among the most senior MPs in parliament and was member of the FA committee since the beginning of his mandate (Interview 4b, 2018). This confirms that the highest proportion of senior MPs could be found, at least before 2015, in the GC and the FA committee. GC key players with recent mandates justify their involvement in EU affairs with their specialised knowledge. Indeed, an interviewee started a mandate in 2011, during the economic crisis (Interview 9b, 2018). Political experience within parliament did not seem to play a role in her involvement or selection in the GC, but rather her competences acquired outside of parliament.

Most interviewees started their political career on the local level, in city councils (Interviews 4b, 5b, 7b, 9b, 10b, 2018). For some, their prior political career was already linked to EU affairs. Two interviewees exerted for instance local and regional political functions and were responsible for EU structural funds (Interview 7b, 9b, 2018). Moreover, GC key players tend to have a higher experience in the executive. Some interviewees were either Minister for European Affairs, or long-term Foreign Affairs Minister (Interview 4b, 7b, 2018). Their experience in Government might give these MPs more credibility and a good reputation in Parliament as EU or Foreign Affairs experts. It might also facilitate their contacts with the Government in the framework of their parliamentary mandate, as they kept connections within ministries and know how the Government works. Sectoral committee key players, on the other hand, do not have such an extensive political career, either in parliament or in government.

All interviewees have a higher education degree in Law, Economics or Social Sciences. In the framework of their studies, some of them went abroad to gain international experience. Their background brought them closer to EU issues and shaped their interest before they entered Parliament. For instance, an interviewee did a bachelor in Law in Helsinki, a bachelor in Economics in Sweden and a Master of Law in New York (Interview 10b, 2018). Another interviewee studied at the Sussex University (Interview 5b, 2018). Other interviewees studied Political Science or Philosophy in Finland. The beginning of their professional careers also looked similar. Indeed, most of them continued on the academic level for some time, as research fellow, adjunct professor, assistant professor or R&D coordinator (Interview 4b, 5b, 7b, 9b, 2018). After their studies, interviewees started to deal with EU affairs through their professional career. All interviewees exerted prior positions that were linked to EU issues. For instance, an interviewee was a long-term journalist who handled political and EU affairs (Interview 3b, 2018). Another interviewee began an international career in the OSCE, UNICEF and UNDP due to his deep-rooted interest for International Relations derived from his studies (Interview 5b, 2018). A former MP counted among the first Finns to do an internship at the European Commission and became an assistant in the European Parliament (Interview 7b, 2018). Interest for EU affairs was therefore already present before these key players joined Parliament.

Overall, membership in national unions did not play a significant role in their involvement. Very few key players were member of a trade union confederation or domestic association. However, their interest for EU matters translated into memberships in different associations and political bodies dealing with the EU. For instance, an interviewee was Chairman of the European Movement in Finland (Interview 7b, 2018). Another key player was the President of the Finnish UN association and chaired several working groups on EU affairs and Migration policy within his party (Interview 5b, 2018). These biographical elements indicate that key players were conditioned at an early stage to participate in EU affairs.

Moreover, the internationality of their profile is mirrored in key players' participation in international and/or European interparliamentary cooperation. Indeed, 62% of them were active in these formats<sup>441</sup>. Specifically, interviewees participate(d) in delegations to parliamentary conferences of the Nordic Council, the Baltic Sea, the Arctic Council, NATO, COSAC, OSCE etc. We find that Northern cooperation plays a significant role within Parliament and among MPs. Two interviewees were also very active in the Finnish delegation to the Convention on the Future of Europe. Some participated in delegations to the European Parliament to prepare Finland's EU accession, or in delegations to candidate countries that joined the EU in 2004. Among key players from sectoral committees, we conclude that few of them were member of an interparliamentary conference, mostly in international formats such as the IPU, WEU or Nordic Council<sup>442</sup>.

Political leadership positions are common among GC key players, followed closely by sectoral and FA committee members. Among the key players, approximately 30% exerted the functions of parliamentary group chair and 25% the functions of committee chair during negotiations on EU and intergovernmental treaties. Just as in the case of Luxembourg and Austrian MPs, these leadership positions indicate that key players represent their party's or committee's opinion, as the main experts or spokespersons with the most competences and knowledge on EU affairs. Group or committee leaders follow actively EU treaties, because they need to defend a certain position in the name of a whole group. Their leadership position let them appear more legitimate to lead debates and they take the opportunity for political profiling in Parliament. We discovered that the more a treaty was salient on the national level, the more political leaders took centre stage. For instance, we find among interviewees former GC Chairmen or Chairs of party EU working groups (Interview 5b, 7b, 9b, 2018). An interviewee was also EU Speaker for the group (Interview 10b, 2018). These leadership positions provide MPs with privileges, acknowledgement and an expert reputation. The GC chair is a unique privileged function that gives MPs an extended communication freedom compared to sectoral committee chairs (Interview 7b, 2018). GC chairs have frequent and direct contacts with ministers and the Prime Minister. They are the last decisional body to approve binding mandates to ministers.

In sum, key players' profiles look very similar to those observed in Luxembourg and Austria. Indeed, even though some sectoral committee members also got involved, we note that

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<sup>441</sup> Among them, 37,5% were GC members, 10,7% FA committee members and 14,2% sectoral committee members. Own calculations based on key players' biographical data.

<sup>442</sup> Information based on the analysis of sectoral committee key players' biographical data.



GC members represented the largest proportion of active MPs during negotiations on the four treaties. Explanation lies in the fact that they were pre-conditioned to engage in EU affairs through their prior professional, educational and political experience. GC members, in particular specific key players, have the same “Europeanised” profiles observed in the Luxembourg and Austrian chambers. Distinctive characteristics of GC key players is their high seniority in Parliament, their deep interest for EU affairs, their extensive international or European experience, their frequent participation in interparliamentary conferences, their experience in the executive and their political leadership positions. Contrary to Austria, relations to national unions do not seem to play an important role in parliamentary involvement in EU affairs. Moreover, we observe that GC key players usually belong to majority or large pro-European mainstream parties (with exceptions), whereas sectoral committee key players come mostly from opposition and/or Eurosceptic parties<sup>443</sup>. This can be explained by the fact that sectoral committee key players became active mostly during the economic crisis. Among their ranks, they counted more opposition MPs due to growing discontent and saw the emergence of active PS MPs.

### *7.3.2 Parliamentarians’ level of involvement in EU affairs*

The present section bases on the previous one to explain the evolution of parliamentary activity in EU affairs within the Eduskunta. We will first outline the general trends observable since 2003. Secondly, we will expose the motivational reasons behind parliamentary activity.

#### *7.3.2.1 General trends*

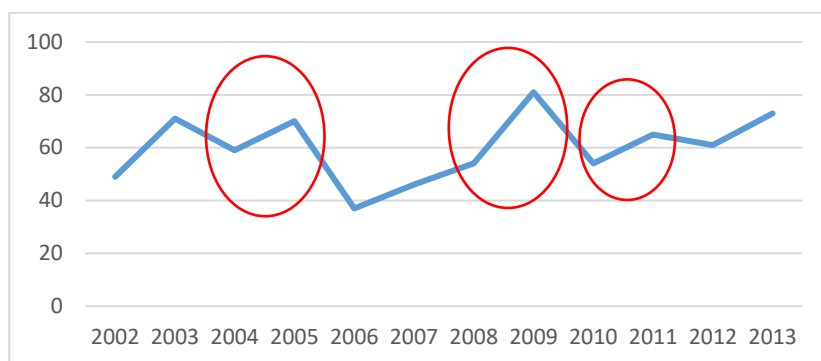
The GC meets generally twice per week, making it the committee with the most frequent meetings among the three case studies<sup>444</sup>. The main reason for such frequent meetings is the central role played by the GC in EU matters, because it coordinates the Parliament’s EU activities and scrutinises thoroughly the Government’s EU policy. Friday sessions are especially important, because ministers usually come to the GC after their weekly government meeting on EU affairs. The graph below illustrates the evolution of GC meetings since 2002. We observe that activity is fluctuating. Just as in Luxembourg and Austria, the decreasing trends correspond each time to parliamentary elections in March 2003, March 2007 and April 2011. The transition period between two legislative periods might explain why the GC met less frequently. Peaks of activity can be observed between 2004-2005, 2007-2009 and 2010-2011, corresponding each time to negotiations on EU treaties and intergovernmental treaties on the EMU.

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<sup>443</sup> Observations made on the basis of biographical data after selection of all key players according to parliamentary documents (minutes of plenary debates, committee opinions).

<sup>444</sup> For instance, the EU-HA in the Austrian National Council meets once per month.

**Figure 67: Number of GC meetings (in total), Eduskunta, 2002-2013**

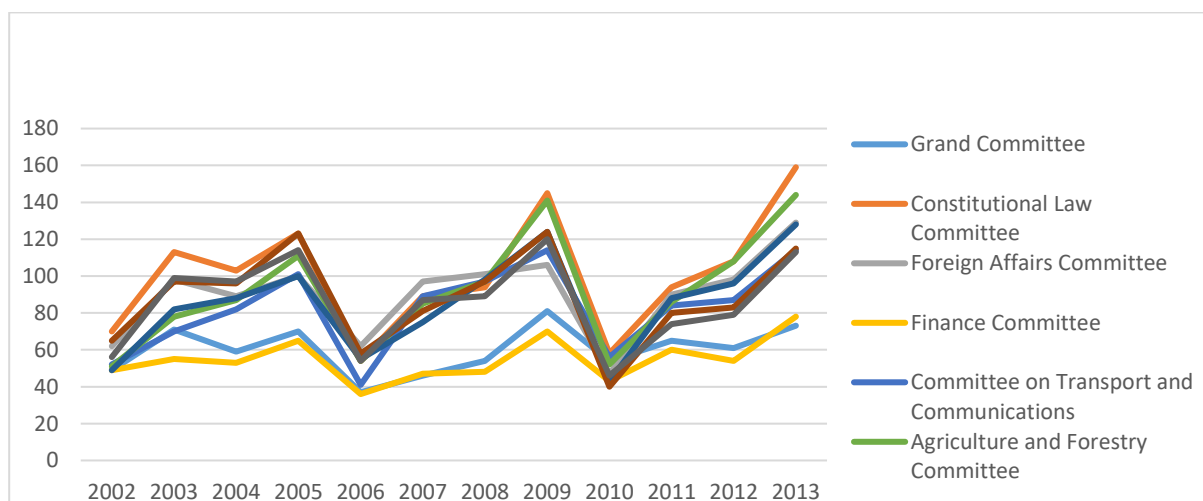


Source: Calculations based on a compilation of data retrieved from annual parliamentary reports from 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013.

The increase in GC meetings observable from 2006 on could be explained by the start of the new legislative period, but also by the organisation of the Finnish EU Presidency during the second half of 2006 and discussions on a new EU treaty. The curve seems to indicate that the GC met the most during the negotiation phase on the Treaty of Lisbon and the start of the economic crisis.

If we compare the number of meetings of all committees, we observe that sectoral committees met more often<sup>445</sup>. The GC counts among the committees with the least meetings, alongside the Finance Committee. However, evolutionary trends are similar in all committees.

**Figure 68: Comparative evolution of committee meetings (in total), Eduskunta, 2002-2013**



Sources: Own calculations based on committee statistics and annual parliamentary reports.

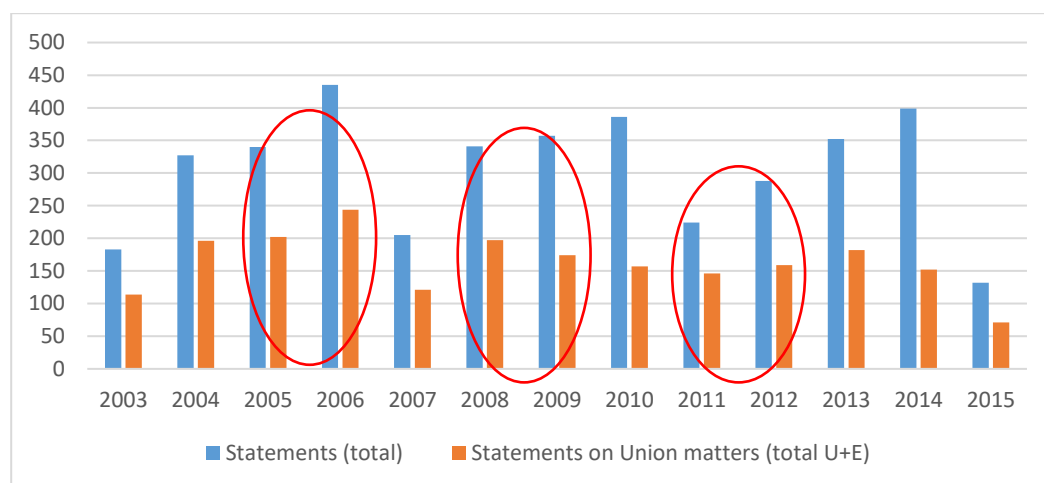
Contrary to the Austrian National Council and the Luxembourg Chamber of Deputies, sectoral committees seem to be more active in the Eduskunta. This trend could be explained by the efforts of decentralisation and responsibility delegation to sectoral committees. Indeed, EU affairs are systematically redistributed to sectoral committees. The latter have thus to deal with both domestic and EU matters, whereas the GC handles only EU topics. Therefore, this graph

<sup>445</sup> For more visibility and clarity, we did not include all sectoral committees in the graph.

could represent a partial illustration of mainstreaming trends within the Eduskunta, even though it does not show the content of committee debates.

The analysis of parliamentary activity in EU affairs implies to check the use of parliamentary instruments. If we focus on the number of statements submitted by committees on Union matters, we observe that EU affairs represent most of the time more than half of all submitted statements.

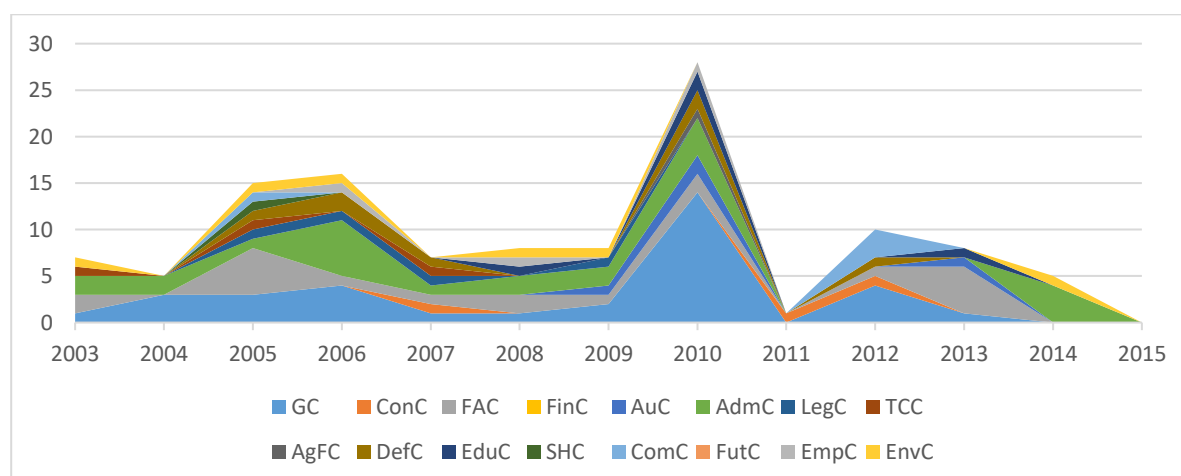
**Figure 69: Proportion of statements on Union matters compared to total number of statements (in total), Eduskunta, 2003-2015**



Source: Own calculations, based on annual parliamentary reports from 2003 to 2015.

In particular, the GC submitted most opinions on EU affairs. The number of GC opinions to the Government grew punctually between 2004 and 2006, as well as in 2008 and 2012. Considering that these opinions were on EU matters, there is a strong probability that they concerned or were affected by EU-level events such as EU treaties or the Finnish EU Presidency in 2006.

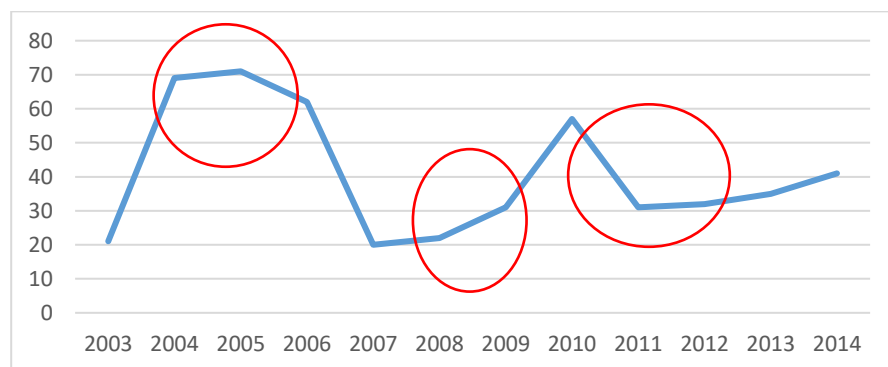
**Figure 70: Comparative evolution of opinions sent by committees to government or ministries (in total), Eduskunta, 2003-2015**



Source: Statistics on committees 2003,2004,2005,2006,2007,2008,2009,2010,2011,2012,2013,2014 2015.

The analysis of submitted parliamentary questions on EU affairs helps checking how actively MPs scrutinised their Government's EU policy. The same fluctuations observed before appear in the following graph illustrating the evolution of the number of parliamentary questions on EU affairs (including both written and oral questions).

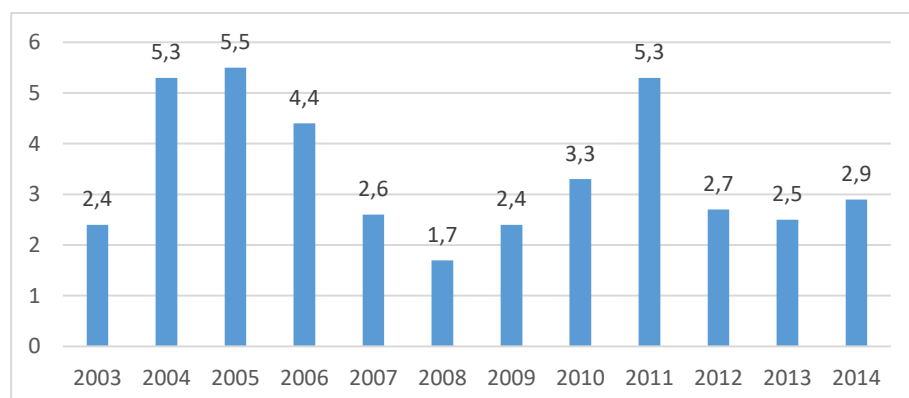
**Figure 71: PQs on EU affairs (written and oral, in total), Eduskunta, 2003-2014**



Sources: Own calculations<sup>446</sup>.

The curve indicates that the use of parliamentary questions on EU affairs was particularly high during negotiations on the Constitutional Treaty between 2003 and 2005. Scrutiny dropped in 2006-2007, probably because of the parliamentary elections in 2006 and the Finnish EU Presidency, which required MPs to be supportive of their government. The number of questions increased slightly during negotiations on the Lisbon Treaty and reached a peak in 2010 during the economic crisis and the help packages for Greece. If we analyse the proportion of questions on EU affairs compared to the total number of questions, we observe that the percentage of questions is higher in the contexts of the Constitutional Treaty and the economic crisis.

**Figure 72: Percentage of PQs on EU affairs, Eduskunta, 2003-2014**



Source: Own calculations<sup>447</sup>.

<sup>446</sup> Data based on annual parliamentary reports 2003, 2004, 2005, 2006, 2007, 2009, 2010, 2011, 2012, 2013, 2015 and statistics compiled by parliamentary civil servants and retrieved from the search engine of the Eduskunta by typing "European Union". This data is not exhaustive.

<sup>447</sup> Data based on annual parliamentary reports 2003, 2004, 2005, 2006, 2007, 2009, 2010, 2011, 2012, 2013, 2015 and statistics compiled by parliamentary civil servants and retrieved from the search engine of the Eduskunta by typing "European Union". This data is not exhaustive.

The peak of questions in 2011 can be explained by the systematic involvement of PS MPs in the scrutiny of the economic crisis.

To sum up, the fluctuation in parliamentary activity resembled our observations in the Luxembourg and Austrian chambers. However, we can already identify a clear trend: the use of parliamentary instruments increased especially during the negotiation periods of the Constitutional Treaty and the ESM/TSCG. These two events seemed to have been the most salient in Finland according to the observations made in the graphs above. EU and intergovernmental treaties affected parliamentary activity by influencing MPs' use of scrutiny instruments. In the next section, we will analyse the motivations hidden behind these statistical observations.

### *7.3.2.2 Reasons for MPs' (non) involvement in EU affairs*

Within the Eduskunta, the handling of EU affairs became a matter of fact, with EU topics appearing more often on political and legislative agendas (Interview 11b, 2018). According to an interviewee, MPs became more aware of EU affairs in their own sectoral committees, because they handle EU matters every week. A study also demonstrated that Finnish MPs think that they exert actual influence on the EU decision-making (Öberg/Jungar, 2009). However, the involvement level varies between committees and depends on domestic priorities and MPs' schedules. EU issues are time-consuming due to their large amount. GC members are often too busy and receive EU documents too late, which means that they cannot scrutinise thoroughly the content of EU proposals transferred by the Government. Depending on how thoroughly MPs want to acquire knowledge on a matter, they will invest more or less time. Most MPs have double-mandates and limited time to engage in EU affairs. MPs engage in weekend associative commitments and work in their respective constituencies.

Sectoral committee members are more interested in salient issues on the national level. For instance, farming and forestry are important economic sectors in Finland and trigger wider attention within Parliament whenever EU issues concern these domains (Interview 6b, 2018). Peaks of attention occur whenever EU issues concern national interests, as we observed in the graphs from the previous section. The next elections to the European Parliament, the composition of the next European Commission or the next Multiannual Financial Framework are for instance topics that trigger more attention within Parliament (Interview 11b, 2018). Thus, decentralisation tendencies in the Eduskunta are not always reflected in practice in parliamentary activity. According to an interviewee, mentalities within Parliament are still focused on the domestic level (Interview 5b, 2018). MPs must accept the fact that European Integration implies multiple levels of decision-making.

Participation in EU affairs also depends on personal and ideological priorities of parties and their parliamentary group members. During the economic crisis, we observed the highest peaks of activity, because opposition parties (especially the PS) were scrutinising the most the Government's EU policy (Interview 6b, 2018). An interviewee admits that within the VAS group, sectoral committee members tend to be passive towards EU affairs compared to their

colleagues from the GC (Interview 6b, 2018). Moreover, the way the Government perceives EU affairs also determines how Parliament handles these matters. During the current legislative period, an interviewee pointed out that the Prime Minister and the Foreign Affairs Minister are respectively not interested in EU affairs and critical towards European integration (Interview 11b, 2018). This behaviour might affect the content and outcome of public policies related to EU affairs. MPs belonging to the same parties as the Prime Minister (KESK) and the Foreign Affairs Minister (Blue Reform) might thus adopt the same passive or critical attitude in parliament. Since the outbreak of the economic crisis and the entrance of the True Finns in government, the usual consensual atmosphere around EU affairs broke. This might represent a challenge to the close cooperation between parliament and government that characterises the Finnish scrutiny model of EU affairs.

Moreover, during EU and intergovernmental treaty negotiations, the Government kept its predominant position, which can explain why parliamentary instruments were less used between periods of activity peaks (Interview 2b, 2018). Majority MPs questioned less the Government's EU policy and did not apply the mandating powers to the fullest. Opposition MPs had thus less chance to influence the legislative process. Nowadays, the fragile coalition government forces compromises in parliament and obliges MPs to respect artificial group/majority discipline. Their passive support to the Government leads to a decreasing use of scrutiny instruments. Therefore, the nature itself of the MP position has changed (Interview 2b, 2018). MPs became less independent in their work. Due to the proportional list system, MPs have to fight individually for their seat in parliament. Once they are elected, they lack political connections because of the individualistic electoral system. Thus, they have to rely primarily on the government's information. According to an interviewee who worked previously in the Ministry of Foreign Affairs, there is a clear information asymmetry between parliament and government (Interview 6b, 2018).

Parliamentary activity also depends largely on MP's personal interests and sociological background. Indeed, just as in the Luxembourg and Austrian chambers, EU affairs are not understandable and accessible to all MPs. According to an interviewee, EU affairs represent a positive experience for GC members, but can be technical for most MPs (Interview 10b, 2018). Sectoral MPs do not understand EU documents mostly written in English. For most MPs, EU affairs do not constitute an incentive for re-election (Interview 5b, 2018). GC, FA committee members as well as committee chairs tend to deal more with EU affairs than the average MP, because their position obliges them to stay informed on the agenda topics. Especially MPs with identified "Europeanised" profiles (mostly GC members) have a deep interest for EU affairs and invest more time in it. For instance, GC members and those MPs particularly interested in EU affairs are more likely to engage in networking activities on the EU level (Interview 7b, 2018). Professional and personal experience linked to EU affairs influence substantially their involvement level as well. According to an interviewee, his function as Board Chair of the Finnish Broadcasting Company and as Chair of the Committee on Transport and Communication reinforced his interest for EU affairs (Interview 3b, 2018). Another interviewee explained that his membership in the European Movement and the fact that he comes from a small secluded town in northern Finland with a high unemployment rate gave him the opportunity to discover the EU as a new open-minded environment (Interview 7b, 2018).

Most sectoral committee members are aware of EU affairs, but become active only when they affect national interests or when it triggers media's attention (Interviews 4b, 5b, 10b, 2018). Overall, senior MPs focus more on European and international issues, because they are less interested in re-election prospects compared to recently elected MPs. Proof of the general disinterest for EU affairs is for instance MPs' passivity towards the liaison officer in Brussels (Interview 1b, 2018). They barely ask for information and the liaison officer admits that MPs might not even read the regular reports sent to parliament.

On the whole, parliamentary activity in the Eduskunta is as fluctuant as trends observed in the Luxembourg and Austrian chambers. Peaks of activity can be observed whenever an important EU event occurs, or after legislative elections. While strong formal capacities clearly empower MPs, their practical use is limited because of multiple sociological and institutional factors. EU affairs remain circumscribed to a small group of MPs. Domestic priorities tend to prevail over EU issues.

### *7.3.3 Discussion and conclusions*

In this part, we analysed the Eduskunta's general socio-demographic features and their impact on MPs' involvement in EU affairs. The current legislative period (2015-2019) shows exceptional trends within Parliament since the arrival of new MPs from the True Finns party. On top of the very "young" composition of the Eduskunta, the cohabitation of a Eurosceptic party with pro-European coalition partners renders EU scrutiny difficult within the Eduskunta. Overall, Finnish MPs are satisfied with their parliament's scrutiny power. However, when we observe the evolution of parliamentary activity, we see that the latter fluctuates considerably. Based on the analysis of the evolution of committee meetings, parliamentary questions and statements on Union affairs, we identified periods of peaks corresponding more or less to negotiations on EU and intergovernmental treaties, but also national legislative elections. Indeed, the contexts of the Constitutional Treaty, the ESM and the TSCG seemed to have triggered more activity within Parliament than the Lisbon Treaty. In between these peaks, MPs did not use intensively the scrutiny tools at their disposal. Parliamentary activity thus depends on the national salience given to EU issues.

From a practical point of view, several elements hinder the use of the strong formal capacities. Just as in Luxembourg and Austria, MPs exert double-mandates, which reduces their time spent in parliament. However, they are member of only two committees on average. Committee membership is an important determinant as well. Indeed, whether an MP is member of the GC or a sectoral committee, he/she will be involved differently in EU affairs. Government-opposition dynamics also determine largely how MPs use scrutiny instruments. Indeed, majority MPs represent a large proportion of the Eduskunta due to the large governmental coalitions. The Government enjoys therefore a strong support from its majority in Parliament, while opposition MPs exert barely any influence on the decision-making due to the parliamentary culture of consensual decision-making. Even though the Eduskunta is involved at an early stage, receives all necessary information on time and possesses strong mandating powers towards ministers, the Government remains the predominant actor in the EU



legislative process. In the end, political dynamics play a significant role in parliamentary involvement, just as in Austria.

These institutional elements combined with different perceptions among MPs about the salience of EU issues lead to differentiated levels of involvement within Parliament. Indeed, the sociological analysis of MPs' profiles and motivations regarding EU affairs showed that sectoral committee members are less active than GC members. Moreover, MPs with "Europeanised" profiles, mainly GC and FA committee members, tend to be more involved than the rest. Focusing on general EU affairs, this confirms sub-hypothesis H2.1, according to which MPs with "Europeanised" profiles are more active in EU affairs. However, even though formal capacities support the mainstreaming of EU affairs within Parliament, the results are quite mitigated in practice. The special position of the GC within Parliament makes it the main coordinator of EU issues. In the end, all EU opinions are being centralised in the GC, which has the final decisional power. GC members are logically more involved in EU affairs, because the committee deals exclusively with these. When we analyse more thoroughly their motivations to get involved in EU affairs, we observe that their prior professional and political experience was already linked to EU matters. Overall, MPs with "Europeanised" profiles have more European and international experience than the average MP. This is reflected in parliamentary activity, with the exception of the economic crisis, as we will see later. Indeed, political dynamics seemed to play a more important role than sociological profiles, because opposition MPs were the most active in criticising the Government's EU policy.

The observations of the present part base on statistical and qualitative data (parliamentary documents, interviews). Sociological Institutionalism helped to identify the motivations of Finnish MPs to engage in EU affairs. To sum up, the Finnish consociational and corporatist system affects substantially EU scrutiny in the Eduskunta. Large government coalitions and the influence of parties on their parliamentary groups limit effective scrutiny within Parliament, as most MPs support their Government's EU policy and remain passive. However, the punctual salience of specific EU events led to exceptional departures from the usual consensual-based system, especially during the economic crisis. Trade union confederations do not seem to play a significant role in MPs' involvement in EU affairs. We will see in the next sections if this is still the case during negotiations on EU and intergovernmental treaties. Furthermore, the normative perception of Parliament's role in EU affairs is very positive among MPs, which explains why they are reluctant to cooperate with European level bodies. It also explains why the Finnish Parliament initiated few institutional amendments since Finland's accession to the EU. The next sections explain parliamentary involvement during treaty negotiations, starting with the Constitutional Treaty.

#### 7.4 Evolution of parliamentary involvement in the context of negotiations on the Treaty establishing a Constitution for Europe (2002-2006)

In this part, we will focus on parliamentary involvement in the context of negotiations on the Constitutional Treaty. Based on the institutional and socio-demographic outline made in the previous parts, we will assess parliamentary activity and institutional change within the

Eduskunta during an exceptional European event. The first section will analyse how MPs' ideological positions (H1.1), their position on the political spectrum (H1.2) and thus the polarisation level (H1.3) affected parliamentary involvement. We will also check to what extent MPs' awareness rose depending on the salience of the Constitutional Treaty in Finland (H2). Basing on these observations, we will determine if the salience of the treaty led to a higher use of parliamentary instruments among parliamentarians. Finally, in the second section, we will look into institutional change within the Eduskunta and if it originated from the context of the Constitutional Treaty (H3).

#### *7.4.1 Parliamentary involvement in the framework of the negotiations on the Constitutional Treaty*

##### **General context**

Legislative elections in 2003 marked the end of the “Rainbow coalition” including the KOK, SDP, SFP, VAS and VIHR. Instead, the KESK gained the most seats in parliament (55) and became the largest party with the SDP (53 seats). The conservatives KOK lost six seats. The Greens (VIHR) and the Christian Democrats (KD) obtained their best score, while the Swedish party SFP its worst score since 1983 (Arter, 2003). The new coalition in the form of the first Vanhanen cabinet was established between three parties: the Centre Party (KESK), the Social Democrats (SDP) and the Swedish People's Party (SFP).

**Table 17: Legislative elections in Finland in 1999 and 2003**

Year of election	Political parties							
	KESK	SDP	KOK	VAS	VIHR	SFP	KD	PS
1999	22,40	22,86	21,03	10,88	7,27	5,12	4,17	N.A
2003	24,69	24,47	18,55	9,93	8	4,61	5,34	1,57

Source: [http://archive.ipu.org/parline-e/reports/arc/2111\\_99.htm](http://archive.ipu.org/parline-e/reports/arc/2111_99.htm) ; [http://archive.ipu.org/parline-e/reports/arc/2111\\_03.htm](http://archive.ipu.org/parline-e/reports/arc/2111_03.htm) (last accessed 13.06.2019)

For the Left Alliance, its shift into the opposition came as a surprise (Dunphy, 2007). Subsequently, divisions appeared within the party on its position on European integration. While the new coalition government designed more right wing policies, some VAS leaders favoured a stricter defence of social democratic values. Part of the VAS members started to defend a populist and anti-European strategy in order to “restore the party's morale, identity and raison d'être” (Dunphy, p.48, 2007). They favoured protectionism, Finnish neutrality and rejected European integration. Others within the VAS refused to criticise the SDP and supported its pro-European position, with the hope to return to government soon. The ideological gap within the VAS grew further until 2006, when Siimes decided to resign from her leadership position. Political rifts within the VAS affected its positioning on the Constitutional Treaty, as we will see later.

On top of the Constitutional Treaty negotiations, European and municipal elections were held in 2004. The KESK and SDP both won more votes than in the last European elections. On the local level, the SDP became the first party. The KOK lost again votes in both the European and municipal elections, confirming the trend observed during the legislative elections in 2003.

On the EU level, Finland held its EU Presidency during the second half of 2006. All these events added to the treaty negotiations, especially the European elections and the Finnish EU Presidency, might have affected parliamentary involvement in EU affairs. They also affected the public opinion's support to the EU and the treaty, which turned out to be very fluctuant between 2003 and 2006. Indeed, the start of the negotiations on the Constitutional Treaty seemed to have triggered positive feelings among the population. 39% thought that EU membership was a good thing and 49% of the population supported the treaty in October 2003<sup>448</sup>. In October 2004, 48% of the population thought that EU membership was a good thing and 58% favoured the ratification of the Constitutional Treaty<sup>449</sup>. The negative referenda in France and the Netherlands in 2005 led to a decreasing support, as only 38% of the Finnish population thought EU membership was a positive thing in October 2005<sup>450</sup>. Moreover, 54% thought that the Constitutional Treaty should be renegotiated. Finally, during Finland's EU Presidency in the second half of 2006, support to EU membership remained low (39%), but 56% of the population expressed its support for the Constitutional Treaty before its ratification in parliament<sup>451</sup>.

Parliament handled the Constitutional Treaty just as any other EU matter according to some interviewees (Interviews 1b, 2b, 2018). Compared to other Member States, Finland started to deal quite late with the treaty. Indeed, the ratification process in Finland came to a halt after the negative referenda in France and the Netherlands in 2005. The Government decided in autumn 2005 to submit a report to Parliament in the wake of the European Council's decision to establish a period of reflection. The report did not contain a ratification proposal, but rather information on the Constitutional Treaty that should provide the Eduskunta with the opportunity to debate on the future of the EU and to give a "political ratification"<sup>452</sup>. In fact, the Finnish Council of State thought that due to the failed referenda, ratification might be premature and submitted instead an analytical report on the content of the treaty. In its report, the Government supported the treaty as an improvement over existing EU treaties.

In November 2005, the government report on the Constitutional Treaty was announced in plenary<sup>453</sup> and sent to the Foreign Affairs Committee with requested opinions of the Grand Committee and the Constitutional Law committee. Numerous sectoral committees consulted experts between December 2005 and March 2006. The Grand Committee gave its opinion in April 2006. The Foreign Affairs Committee discussed the report and opinions on 28<sup>th</sup> April

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<sup>448</sup> Standard Eurobarometer N°60, October 2003, <http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/STANDARD/yearFrom/2002/yearTo/2007/surveyKy/397> (last accessed 13.06.2019)

<sup>449</sup> Standard Eurobarometer N°62, October 2004, <http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/STANDARD/yearFrom/2002/yearTo/2007/surveyKy/455> (last accessed 13.06.2019)

<sup>450</sup> Standard Eurobarometer N°64, October 2005, <http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/STANDARD/yearFrom/2002/yearTo/2007/surveyKy/833> (last accessed 13.06.2019)

<sup>451</sup> Standard Eurobarometer N°66, September 2006, <http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/STANDARD/yearFrom/2002/yearTo/2007/surveyKy/584> (last accessed 13.06.2019)

<sup>452</sup> 11.02.2006, Turun Sanomat, « The EU Constitutional Treaty breaks into a new debate ».

<sup>453</sup> 29.08.2005, 127th plenary session, PTK 127/2005vp, Government report on the Treaty establishing a Constitution for Europe.

2006, suggesting that the Eduskunta accepts the report. In May 2006, MPs adopted the governmental report by 104 votes against 24. Following the vote, the Parliament published a statement on 17<sup>th</sup> May 2006 asking the Government to submit a ratification proposal. The Government submitted such a proposal on 02<sup>nd</sup> June 2006 and sent to the Foreign Affairs Committee with requested opinions from sectoral committees. Committees consulted experts until October 2006. On 29<sup>th</sup> November 2006, the Foreign Affairs Committee submitted a report based on committees' opinions and suggesting that Parliament ratifies the treaty. The first reading in plenary was held on 30<sup>th</sup> November 2006.

The second reading and the vote were held on the 04<sup>th</sup> and 05<sup>th</sup> December 2006. The treaty needed to be ratified by a two-thirds majority in parliament according to an opinion of the Constitutional Law Committee<sup>454</sup>. 125 MPs voted in favour of the treaty, while 39 voted against it<sup>455</sup>. Among the supporters, 83 MPs came from the majority and 42 from the opposition. Both Government and opposition were divided on the issue. The KESK, SDP, KOK, VIHR and SFP voted mostly in favour, while the KD, True Finns and VAS against the treaty. The votes showed dissensions within parties. For instance, 4 KESK members voted against the treaty, while the majority supported it. Within the KOK, 7 MPs voted against it and 28 in favour. Within the VAS, the ideological divergences were visible as well. 2 VAS members voted in favour of the treaty, while the rest of the party voted against it.

Overall, Finnish parties agreed that the Constitutional Treaty could be further improved, but that it was the best achieved deal (Raunio, In: Tans/Zoethout/Peters, 2007). All parties defended the community-method. During the Finnish EU Presidency in 2006, the Government set the objective to transform the reflection period into an active engagement towards the ratification of a new EU treaty<sup>456</sup>. KESK MPs were generally in favour of the treaty as a necessary improvement towards a democratic, effective and transparent EU<sup>457</sup>. The Constitutional Treaty clarifies the EU decision-making process, strengthens economic activity and reinforces the EU as a security community. SDP MPs also welcomed the treaty as a means to strengthen the EU's external capacities, fundamental rights, the idea of a social Europe and a European political leadership<sup>458</sup>. In the same line of thought, KOK MPs underlined the democratising nature of the treaty, but criticised the Government's lack of a clear EU policy<sup>459</sup>. The party also insisted that the Government defends EU security guarantees as a national interest<sup>460</sup>. SFP MPs accepted the fact that the Constitutional Treaty would not change fundamentally the EU, but supported explicitly its ratification. The Greens argued that the treaty

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<sup>454</sup> 2403.2006, Opinion of the Constitutional Law Committee, PeVL 9/2006 vp – VNS 6/2005vp, Government report on the Treaty establishing a Constitution for Europe

<sup>455</sup> 05.12.2006, 127th plenary session, PTK 127/2006vp, Government's proposal for the adoption of a Treaty establishing a Constitution for Europe and a law on the transposition of its legislative provisions.

<sup>456</sup> [http://www.eu2006.fi/NEWS\\_AND\\_DOCUMENTS/PRESS\\_RELEASES/VKO26\\_EN\\_GB/162650/INDEX.HTM](http://www.eu2006.fi/NEWS_AND_DOCUMENTS/PRESS_RELEASES/VKO26_EN_GB/162650/INDEX.HTM); [http://www.eu2006.fi/NEWS\\_AND\\_DOCUMENTS/SPEECHES/PRESS/EN\\_GB/1150877429794/INDEX.HTM](http://www.eu2006.fi/NEWS_AND_DOCUMENTS/SPEECHES/PRESS/EN_GB/1150877429794/INDEX.HTM) (last accessed 13.06.2019)

<sup>457</sup> 10.05.2006, 51st plenary session, PTK 51/2006vp, Government report on the Treaty establishing a Constitution for Europe.

<sup>458</sup> Ibid.

<sup>459</sup> Ibid.

<sup>460</sup> 30.08.2005, YLE.fi, [*The Coalition Party is in favour of EU security guarantees*], <https://yle.fi/uutiset/3-5218620> (last accessed 13.06.2019)

would strengthen human rights, the EU's international role and the European social dimension. Pro-European parties were backed by all trade union confederations and employers' associations (SAK, AKAVA, STTK, EK and MTK). According to the SAK, the new treaty strengthens the employee status in Europe through the recognition of Social Partners on the EU level, as well as the status of sparsely populated regions of Northern Europe and the inclusion of the Charter of fundamental rights<sup>461</sup>. The VAS, True Finns and KD rejected the treaty from the beginning, arguing that it would threaten national sovereignty and the Northern welfare model, reinforce the undemocratic nature and federalist tendencies of the EU<sup>462</sup>. All three parties and the Greens pleaded for the organisation of a referendum on the Constitutional Treaty.

While the Constitutional Treaty itself led to moderate debates in Parliament with little polarisation, the referendum issue seemed to trigger more attention and tensions among all political players. The idea of a national referendum emerged right after the EU Convention (Ojanen, 2007). The Constitutional Law Committee stated in 2003 that a referendum would not be necessary considering that the treaty would not considerably affect the national constitutional order. Nonetheless, the VAS requested the organisation of a referendum in June 2004 as a means to increase trust in the EU<sup>463</sup>. In July 2004, the then Minister of Transport Mauri Pekkarinen (KESK) defended publicly the idea of a national referendum, which was supported by the SDP Chair of the FA Committee in Parliament<sup>464</sup>. Even a KOK MEP argued that the Government should hold a referendum, otherwise the coalition would run into a "political crisis". Prime Minister Vanhanen reacted to these scattered positions in August 2004, ruling out any referendum in Finland based on the argument that no substantial changes on the EU level justified such measure<sup>465</sup>.

The referendum issue led to internal disagreements within the coalition and among Finnish political actors and the public opinion. The liberal newspaper Kauppalehti strongly defended the idea of a referendum, arguing that the power belonged to the Finnish population to decide about the ratification of the treaty<sup>466</sup>. While the Speaker of the Eduskunta did not support the idea of a referendum, the former Finnish European Ombudsman from the S&D recommended it<sup>467</sup>. In September 2004, the coalition partners and the main opposition party

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<sup>461</sup> 05.07.2004, SAK, New constitution strengthens employee status in Europe, <https://www.sak.fi/en/whats-new/news/new-constitution-strengthens-employee-status-europe> (last accessed 13.06.2019); 04.07.2006, SAK, Ten main objectives of the Finnish trade unions for the Finnish EU presidency, <https://www.sak.fi/en/whats-new/news/ten-main-objectives-finnish-trade-unions-finnish-eu-presidency> (last accessed 13.06.2019)

<sup>462</sup> Ibid.

<sup>463</sup> 17.06.2004, <https://www.kaleva.fi/uutiset/kotimaa/vasemmistoliitto-eun-perustuslaista-kansanaanestys/381801/> (last accessed 13.06.2019)

<sup>464</sup> 28.07.2005, mtv.fi, Jaakonsaari ja Stubb: EU:n perustuslaista kansanäänestys [*Jaakonsaari and Stubb: referendum on the EU Constitution*]

<sup>465</sup> 16.08.2004, EU Observer, Finnish prime minister rules out EU Constitution referendum, <https://euobserver.com/institutional/17088> (last accessed 13.06.2019)

<sup>466</sup> 21.06.2004, Kauppalehti, Tarvitaanko EU:n perustuslaista kansanäänestys? [*Do we need a referendum on EU constitution?*].

<sup>467</sup> 22.08.2004, Turun Sanomat, <http://www.ts.fi/mielipiteet/paakirjoitukset/1073987416/Jacob+Sodermanin+aliokirjoitus+Kansaa+kuultava+Euroopan+unionin+perustuslaista> (last accessed 13.06.2019); 23.08.2004, Former EU Ombudsman recommends Constitution referendum <https://euobserver.com/institutional/17118> (last accessed 13.06.2019)



KOK decided not to submit the treaty to an advisory referendum in Finland. According to Raunio and Wiberg, the reason behind this decision lied in the fact that most parties were internally divided over EU affairs. Coalition partners did not want to run the risk of organising a referendum, all the more so as Finland does not have a deep-rooted referendum culture<sup>468</sup> (Raunio/Wiberg, In: Brouard/Costa/König, 2012). Despite this clarification from the Government, several MPs from the SDP, VIHR, KESK, KOK, PS and KD submitted a law proposal on a consultative referendum on the Constitutional Treaty in February 2005<sup>469</sup>. The initiative was submitted to the Constitutional Law Committee and discussed in plenary in 2005 and 2006<sup>470</sup>. In the meantime, throughout the year 2006, MPs from the True Finns, KD, VAS and VIHR pleaded repeatedly for the organisation of a referendum<sup>471</sup>. Especially the then leaders of the True Finns and the KD criticised the ratification plan as an elite project minimising citizens' voices<sup>472</sup>. Finally, the parliamentary initiative was abandoned in October 2006 and in November 2006, the Greens accepted the fact that there would be no referendum.

Just as in Austria, tensions arose from a domestic issue and not from the Constitutional Treaty itself. Indeed, political positions started to diverge on the referendum question. Only single political personalities and individual MPs, however, expressed their support for a referendum. Within Parliament, group discipline did not seem to be strong, especially within the biggest parties. Single MPs decided to vote against their party's line. As we saw earlier, we can explain this by the electoral system that encourages individualistic strategies and ideological positioning. The referendum topic sparked tensions between and within parties, but we cannot observe clear polarisation tendencies, as opponents of the treaty represented only a minority. Clearly, ideological positions affected the way MPs engaged in the debates on the Constitutional Treaty and the referendum.

Eurosceptics such as the True Finns and the majority of VAS members (following the ideological split after the legislative elections in 2003) opposed strongly the treaty and pleaded for a national referendum. Pro-Europeans such as the KESK, SDP, KOK, SFP and VIHR supported the treaty. Single MPs from these parties also supported the referendum idea, but not for the same reasons as the Eurosceptics. The latter aimed to promote national sovereignty and interests through the referendum, hoping it would signify the failure of the treaty. The Greens and single MPs from the biggest parties wanted a referendum to enhance the legitimacy of the treaty. Pressure on MPs came both from the growing Euroscepticism of the public opinion and

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<sup>468</sup> Until now, only two referenda have been organised in Finland : the Prohibition referendum in 1931 and the referendum on Finland's EU membership in 1994.

<sup>469</sup> 18.02.2005, Arja Alho, SD (main initiator), Greens, Centre party, National Coalition party, Finns, Christian democrats, Law on a consultative referendum on the Treaty establishing a Constitution for Europe, LA 11/2005 vp

<sup>470</sup> <https://www.eduskunta.fi/FI/Vaski/sivut/trip.aspx?triptype=ValtiopaivaAsiakirjat&docid=PTK+18/2005+ke+p+2> (last accessed 13.06.2019)

<sup>471</sup> 07.04.2006, Opinion of the Grand Committee, Dissenting opinions 1 and 2, SuVL 2/2006 vp – VNS 6/2005 vp, Government report on the Constitutional Treaty of the European Union; 10.05.2006, 51st plenary session, PTK 51/2006vp, Government report on the Treaty establishing a Constitution for Europe; 07.06.2006, 67th plenary session, PTK67/2006vp, Government's proposal for the adoption of a Treaty establishing a Constitution for Europe and a law on the transposition of its legislative provisions.

<sup>472</sup> 08.04.2006, mtv.fi, Räsänen ja Soini vastustavat EU:n perustuslain ratifiointia [*Räsänen and Soini are opposed to the ratification of the EU Constitution*]

the approaching parliamentary elections in March 2007 pushing MPs to enhance their political profiling.

### **Analysis of parliamentary involvement**

Between 2005 and 2006, the Eduskunta actively scrutinised both the government report on the Constitutional Treaty and later the government proposal on the treaty ratification. Apart from the FA Committee, the GC and the Constitutional Law Committee as the main scrutinisers, we observe that sectoral committees were particularly involved. They organised numerous expert hearings to give their opinion to the FA Committee. Within these expert hearings, representatives from different trade union and interest group organisations, professors, MEPs and ministerial civil servants were invited in committees. Overall, the FA Committee met 41 times between the end of 2005 and the end of 2006. The GC and the Constitutional Law Committee both met 18 times (see table S, appendix 1). In total, MPs debated the report and the treaty in 8 plenary sessions. Compared to the Austrian National Council and the Luxembourg Chamber of Deputies, the frequency and number of meetings of the Eduskunta's committees is significantly higher, which confirms its classification as "working parliament"<sup>473</sup>.

Unfortunately, we did not have access to the minutes of the committee meetings, so we were unable to assess the content of the discussions. According to Ojanen, security and defence issues have triggered more debates than other issues (Ojanen, 2007). Moreover, discussions concerned less the Constitutional Treaty itself, but broader matters directly linked to Finnish interests (national referendum, agricultural policy, welfare model, status of the Åland Islands and sparsely populated areas, etc)<sup>474</sup>. The trends observed can be found in the analysis of the number of committee meetings. Indeed, the graph below shows that GC and FA Committee meetings grew during 2005 when the government report needed to be discussed. As explained before, the report did not address solely the treaty, but also more generally Finland's EU policy. The number of meetings decreased in 2006 when the Government submitted the ratification proposal. Discussions on the treaty itself dropped.

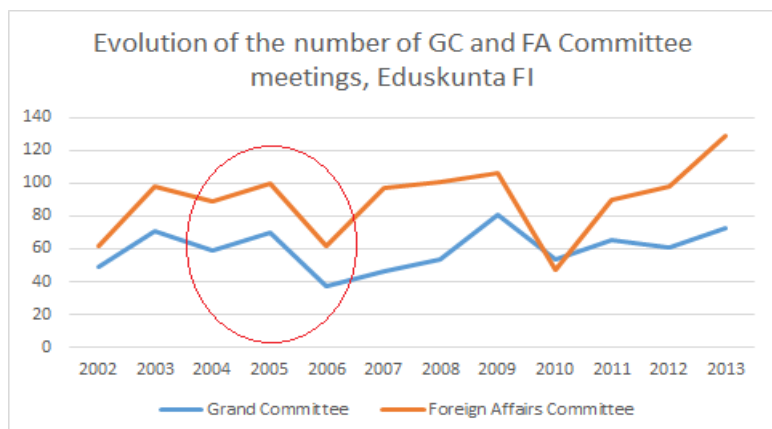
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<sup>473</sup> See Raunio, In: Heffler/Neuhold/Rozenberg/Smith, 2015; Raunio/Wiberg, 2008.

<sup>474</sup> See for example the opinion of the Foreign Affairs Committee, 29.11.2006, UaVM 13/2006vp – HE 67/2006 vp, Government proposal for the adoption of a Treaty establishing a Constitution for Europe and a law on the transposition of its legislative provisions.



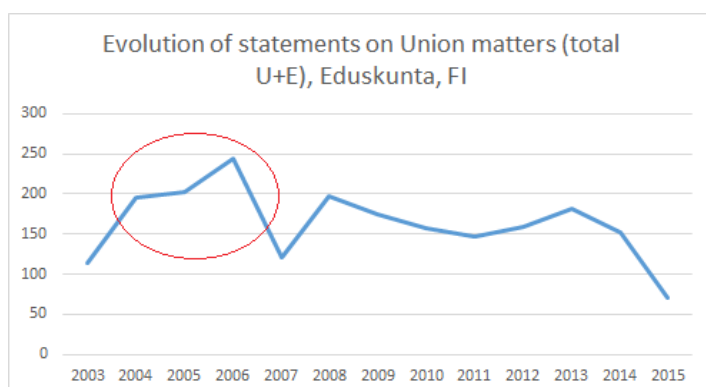
**Figure 73: Number of GC and FA committee meetings in the context of the Constitutional Treaty (in total), Eduskunta**



Source: Own calculations.

If we draw our attention specifically on parliamentary tools such as questions, we identify the same trends. Parliamentary questions on EU affairs more generally grew between 2004 and 2005. They diminished from 2005 onwards, as shown in figure 71. At the same time, the number of parliamentary questions on EU affairs was never as high as during that period. The same can be said of committee statements on Union matters. Parliamentary committees were particularly active between 2004 and 2006, period corresponding to the negotiations on the Constitutional Treaty.

**Figure 74: Statements on Union matters (in total) in the context of the Constitutional Treaty, Eduskunta**



Source: Own calculations.

Between 2003 and 2006, questions (written and oral) as well as committee opinions constituted the most used instruments to scrutinise the Constitutional Treaty<sup>475</sup>. Overall, committee opinions and dissenting opinions were the most efficient tools. The table T (see appendix 1) sums up the used instruments and their authors.

<sup>475</sup> The number of submitted instruments might not be exhaustive due to difficult access to the data.

First observations show that majority MPs from KESK were more active in plenary debates, while opposition MPs were using mostly the scrutiny instruments. However, the content of these instruments did not follow clear ideological patterns, no matter MPs' positioning on the political spectrum. These elements do not permit to fully confirm the sub-hypotheses H1.1 and H1.2. Indeed, opposition MPs counted among their ranks both Eurosceptics and pro-Europeans. While Eurosceptic MPs from the opposition (VAS, PS) tended to use the tools to reject the treaty and support a national referendum, pro-European opposition MPs did not follow this strategy (KOK, VIHR). For pro-European opposition MPs, they abstained from harsh criticism probably because of their ideological proximity with the governmental coalition, as well as their potential participation in future government formations.

Moreover, some majority MPs were not automatically in favour of the Government's EU policy. Indeed, several single MPs from the majority (KESK, SDP) either joined the Eurosceptic ranks and rejected the treaty, or supported the referendum project alongside opposition MPs (either pro-Europeans or Eurosceptics). This explains why both majority and opposition MPs that refused to comply with their group's ideological position submitted together some parliamentary instruments. This loose group discipline can be explained by the electoral system favouring individual candidates who can be more detached from their party's line. Single MPs can decide to diverge from their party's position without fearing consequences on their political career. Therefore, we cannot validate sub-hypothesis H1.3, because loose group discipline appeared even in the absence of political polarisation. Despite the lack of clarity about ideological positions on the treaty, we can sum up by saying that most opposition MPs listed above had a Eurosceptic stance, while majority MPs had a pro-European stance. We could not identify clear polarisation patterns in the use of parliamentary instruments and in the debates. The referendum sparked tensions between and within the parties, but not to the extent of a division between camps. Consensual practices between pro-European parties prevailed, no matter their position on the political spectrum.

According to interviewees, interest for the treaty was rather limited within parliament, even though the referendum triggered national attention (Interview 3b, 5b, 2018). Attention remained limited to a specific circle of actors. Indeed, we notice that MPs from the GC and the FA Committee have used primarily the above listed scrutiny tools compared to sectoral committee members<sup>476</sup>. Moreover, in plenary debates, members of the GC and FA committee were also more represented than sectoral committee members. We found that key players from sectoral committees had more recent mandates than MPs from the other two committees. They probably took the opportunity to position themselves politically during the debates, while GC and FA Committee members were involved for different reasons. They had a higher seniority in Parliament compared to the average MP and were thus more sensitised to EU issues due to their extensive experience. Unlike recently elected sectoral committee members, they were more interested in the treaty itself than in electoral benefits.

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<sup>476</sup> See for instance debates in plenary where most speakers were GC and FA Committee members : 10.05.2006, 51<sup>st</sup> plenary session, PTK 51/2006vp, Government report on the Treaty establishing a Constitution for Europe; 07.06.2006, 67<sup>th</sup> plenary session, PTK 67/2006vp, Government's proposal for the adoption of a Treaty establishing a Constitution for Europe and a law on the transposition of its legislative provisions.

Key players with prior experience in government came mainly from the GC and FA Committee, probably because these two committees count among the most powerful bodies in parliament. Previous government members targeted these committees for political profiling in parliament with the aim to reintegrate future coalitions. Key players with experience in government came from the KESK and KOK, the biggest parties that formed coalitions together. Therefore, we assume that GC and FA Committee members with prior experience in government might be more sensitive to governmental positions and tend to support them in their parliamentary work.

Additionally, they participated more systematically in interparliamentary conferences than sectoral committee members. Their regular contact with representatives from other parliaments and the European Union sensitised them more to EU affairs. Reversely, key players from sectoral committees barely participated in such cooperation formats, which proves once again that their focus was predominantly domestic-based. Overall, key players with “Europeanised” profiles dominated the scrutiny of the Constitutional Treaty within the Eduskunta. Therefore, we can validate sub-hypothesis H2.1, because the level of “Europeanisation” of MPs’ profiles determined significantly their involvement.

Sectoral committee members were more passive, which does not validate sub-hypothesis H2.2. For instance, we interviewed one of the above listed GC member from the SDP, who worked previously for the UN and started his political mandate in 1995 (Interview 5b, 2018). He participated in numerous interparliamentary conferences and was also member of the FA Committee. In general, active GC members from the majority belonged mostly to the SDP. KESK MPs represent the exception, because they belonged mainly to sectoral committees. Most dissident MPs belonged to the opposition and sectoral committees. We observed exceptions such as a majority MP who defended a sceptical position (KESK) and belonged to the FA Committee, or active opposition MPs who were either GC or FA Committee members (KD, VAS, VIHR).

We observed that several key players had leadership positions in Parliament, either as group chairs or as committee chairs. Their role was mainly to represent the position of their group/party or committee in the discussions on the Constitutional Treaty. This shows clearly that debates on the treaty were reserved to a privileged group of experienced and influential key players in Parliament. Political leadership positions were more common among GC and FA Committee members, as well as among opposition MPs. Political leaders were thus typically opposition members of the GC or the FA Committee. Indeed, as opposition MPs were under-represented in Parliament, group chairs endorsed the main role to increase the visibility of their group’s position. Most group chairs came from the opposition groups VAS, VIHR, PS and KD. Opposition groups have usually less resources, information and influence than the majority, therefore leaders needed to defend the group’s position in the discussions in order to weigh in the decisions. Moreover, political leaders from the GC or FA Committee had more legitimacy to deal with the treaty, because they were seen as experts. In terms of committee leadership, one of the key players chairing the GC was an opposition MP from KOK, while a majority MP from the SDP chaired the FA Committee. Unlike the Austrian chamber, opposition MPs tended to chair influential committees within the Eduskunta. Even though the KOK group switched to

opposition in 2003, it still supported the Government's EU policy as a pro-European party. Therefore, EU affairs in Parliament were still dominated by the Government despite a GC Chair coming from the opposition, due to ideological similarities and highly consensual practices.

Moreover, we could not establish any link between the above listed MPs and trade union confederations. None of them seemed to belong to such interest groups, which means also that the latter did not exert any particular influence on the scrutiny process itself. A probable explanation could be the fact that MPs affiliated to trade unions tended to belong to sectoral committees close to trade unions' priorities. Therefore, few MPs from the GC or the FA Committee had links to trade union confederations. However, the SAK's public position on the treaty might have backed or oriented the SDP's opinion as its main affiliated party. Indeed, both SAK and SDP supported the treaty. Influence on EU affairs came mainly from opinions expressed by the confederations themselves rather than from MPs with trade union affiliations.

In summary, the Constitutional Treaty itself was not the most salient issue in Finland. Domestic priorities such as the organisation of a national referendum seemed to play a bigger role. Parliamentary activity dedicated to the scrutiny of the treaty was quite high within a one-year period, but was not specifically on the treaty itself. It did not depend on polarisation trends, because consensus between parties was quite high. Finland's EU Presidency affected more the activity of parliamentary committees. The GC hosted two COSAC meetings and four sectoral committees hosted common meetings with the corresponding committees in the EP and national parliaments from member and candidate countries<sup>477</sup>. Thus, it was less the salience of the treaty than the referendum and Finland's EU Presidency that triggered the use of parliamentary instruments. The scrutiny of EU affairs was reserved to a limited circle of expert and influential MPs. Due to the large consensus among pro-European MPs on the treaty, whether from majority or opposition, criticism towards the Government's position was almost non-existent. The passivity of most MPs towards the Government's handling of the Constitutional Treaty explains why the majority had no difficulties to impose its views. The absence of serious political competition in Parliament and the fact that pro-European groups chaired both the GC and the FA Committee were at the benefit of coalition partners.

The next section analyses the impact of the Constitutional Treaty negotiations on institutional change within the Eduskunta.

#### *7.4.2 The Constitutional treaty: an opportunity for institutional change in the Eduskunta?*

Within the Eduskunta, several revisions and revision attempts have been made between 2003 and 2006 in the wake of the EU Convention and the context of the Constitutional treaty. Reflexions on the Parliament's EU scrutiny procedures started at the end of 2003, when the GC and the Speaker's Council decided to establish an EU-review committee in November. The latter was responsible to discuss potential improvements of the current EU scrutiny procedures. In this framework, MPs, parliamentary and ministerial civil servants discussed the impact of the Constitutional Treaty on Parliament's role in the national and European legislative process.

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<sup>477</sup> Annual report of the parliamentary office, Parliament of Finland, 2006.

The objective was to publish an assessment report by 2005. Overall, the EU-review committee met 21 times between December 2003 and February 2005 (see table U, appendix 1).

The composition of the EU-review committee reflected the proportional representation of all political parties within the Parliament. One MP per group was member of the committee, both from the majority and the opposition<sup>478</sup>. The analysis of parliamentary documents indicates that most MPs who were member of the EU-review committee were also very active in the follow-up of the Constitutional Treaty. Therefore, we assume that the discussions around the Constitutional Treaty pushed them to trigger the debate on the EU scrutiny procedure. Most MPs were either GC or FA Committee members, with few being member of the Constitutional Law Committee and other sectoral committees. If we observe the profile of these “political entrepreneurs” of change, we note that the seniority rate is high among MPs. Indeed, most committee members had 3 or more mandates behind them at the time of the discussions. They had the needed knowledge on parliamentary practices and procedures to reflect on the revision of the scrutiny system. Moreover, some of them also participated in the preparation of the accession negotiations before 1994. They were member of joint committee meetings with the EP responsible to prepare Finland’s EU accession. They followed the development of the Eduskunta’s scrutiny system since the beginning. Therefore, they appeared as the most legitimate EU experts to assess the scrutiny procedures of the Eduskunta.

Among the 8 MPs in the EU-review committee, 5 had a prior experience in the Government. For instance, the PS MP had been Minister of Transport from 1989 to 1990. Another KOK MP has been Minister for Foreign Affairs and Minister for Trade and Industry between 1999 and 2002. We discover that prior experience in government played a significant role in their involvement. Prior government members engaged in discussions on institutional revisions probably because they wanted to gain acknowledgement with the aim to enter future government formations. As said before, ministers switch quite frequently their position, which could be an opportunity for MPs who publicise their work in Parliament to be noticed. For instance, some members of the EU-review committee managed to become government members after the parliamentary elections in 2007.

Again, membership in trade union organisations was almost non-existent, which confirms that MPs with more European-based focus engage in debates on EU issues and related changes. Indeed, most MPs were member of a delegation to a European or international interparliamentary conference, even though international formats seemed to prevail in their case. Indeed, most MPs were member of delegations to the Nordic Council, the OSCE and NATO parliamentary assemblies or the Council of Europe. They benefitted from the access to privileged information, which contributed to their interest for EU affairs and the role of their parliament in the European Union. Moreover, we observed that half of the members of the EU-review committee were also COSAC members in 2004, when the first bi-annual report on parliamentary procedures in EU affairs was published. Thus, they participated in the discussions on revision procedures and encouraged initiatives in their own parliament.

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<sup>478</sup> 18.02.2005, Improving EU scrutiny, Report of the Committee to assess EU scrutiny procedures, Eduskunnan Kanslian Julkaisu, 4/2005, [https://www.eduskunta.fi/FI/tietoeduskunnasta/julkaisut/Documents/ekj\\_4+2005.pdf](https://www.eduskunta.fi/FI/tietoeduskunnasta/julkaisut/Documents/ekj_4+2005.pdf) (last accessed 13.06.2019)

Apart from MPs, civil servants from the parliamentary administration, notably the GC Secretariat, but also officials from ministries, were member of the EU-review committee and participated actively in the discussions and the drafting of the final report. This indicates that the parliamentary administration plays a significant role in the definition of the EU scrutiny system (the Head of the GC Secretariat designed it from scratch), but also that the Government monitored closely the developments within parliament through its own civil servants. Overall, consensus on institutional change was large among majority and opposition MPs. Instead of competing for amendments, the groups relied on their EU experts to lead the discussions. Therefore, we can confirm sub-hypothesis H3.2, because MPs with “Europeanised” profiles benefitted from the consensual atmosphere to become the “political entrepreneurs of change”.

In the meetings between 2003 and 2004, MPs discussed committee procedures, schedules and competences, especially with regard to the GC and the FA Committee<sup>479</sup>, as well as the Government’s information policy<sup>480</sup> and procedures related to the subsidiarity monitoring. The secretary of the EU-review committee, a committee counsel, made a note on the difficulties to delimit the powers between the GC and the FA Committee. It was decided that the GC drafts reports on intergovernmental conferences, while the FA Committee is responsible for government reports on treaties. Moreover, the schedule of the GC was re-adjusted, so that Friday meetings start 30 minutes earlier at 1.30pm. Friday plenary sessions would then be dedicated solely to announcements and votes. The report published in 2005 outlined some suggestions to improve the Eduskunta’s EU scrutiny. For instance, the EU-review committee suggested that more plenary debates should be dedicated to EU issues and that MEPs should participate more often in sectoral committee hearings<sup>481</sup>. Since 2005, secretary generals of the parliamentary groups meet every Friday. The GC schedule has been modified according to the suggestions in the report. Apart from these measures, the committee concluded that “[...] the system for national policy formulation on EU matters that is ordained in sections 93, 96 and 97 of the Finnish Constitution is functional and will remain so after the constitutional treaty becomes effective”<sup>482</sup>. According to the Head of the GC Secretariat, the concluding report rather resembled a self-congratulation of the current scrutiny system (Interview 2b, 2018).

In 2006, with the new start of the ratification process within the Eduskunta, a new round of discussions appeared in the GC and the FA Committee on parliamentary scrutiny procedures in EU affairs. For instance, in April 2006, in its opinion on the government report on the treaty, the GC emphasised that the Parliament’s role should not be undermined through the strengthening of the European Council’s role<sup>483</sup>. In October 2006, in its opinion on the

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<sup>479</sup> 14.04.2004, 04.05.2004, Minutes of the EU-review committee meeting, Eduskunta. The Head of the GC Secretariat kindly shared the documents.

<sup>480</sup> Ibid., 21.10.2004.

<sup>481</sup> 18.02.2005, Improving EU scrutiny, Report of the Committee to assess EU scrutiny procedures, Eduskunnan Kanslian Julkaisu, 4/2005, [https://www.eduskunta.fi/FI/tietoaeduskunnasta/julkaisut/Documents/ekj\\_4+2005.pdf](https://www.eduskunta.fi/FI/tietoaeduskunnasta/julkaisut/Documents/ekj_4+2005.pdf) (last accessed 13.06.2019)

<sup>482</sup> 18.02.2005, Improving EU scrutiny, Report of the Committee to assess EU scrutiny procedures, Eduskunnan Kanslian Julkaisu, 4/2005, [https://www.eduskunta.fi/FI/tietoaeduskunnasta/julkaisut/Documents/ekj\\_4+2005.pdf](https://www.eduskunta.fi/FI/tietoaeduskunnasta/julkaisut/Documents/ekj_4+2005.pdf) (last accessed 13.06.2019)

<sup>483</sup> 07.04.2006, Opinion of the Grand Committee, SuVL 2/2006 vp – VNS 6/2005 vp, Government report on the Constitutional Treaty of the European Union

government ratification proposal, the GC reiterated the obligation for the Government to keep the Eduskunta informed on any progress on the Constitutional Treaty<sup>484</sup>. Moreover, in November 2006, the FA Committee suggested to the Government to provide written information on formal and informal meetings of the European Council on top of the existing oral communication<sup>485</sup>. The committee also underlined the necessity to strengthen parliamentary control over European Council meetings.

In conclusion, the proposed changes were only marginally implemented. MEPs still come very rarely or not at all to sectoral committee meetings. EU matters are rather debated in committees than in plenary. The limited institutional change can be explained by the fact that MPs' normative conception of their Parliament's role was positive. They thought that the scrutiny procedures were already satisfying and that the Eduskunta's functions in EU affairs did not need any substantial changes. Even though the salience of the Constitutional Treaty itself was quite limited in Parliament, MPs referred to it in their discussions on potential procedural revisions. Therefore, we can say that hypothesis H3 is validated. The context of the treaty represented a salient moment where MPs took EU issues and transformed them into domestic issues. The gap between treaty provisions on parliamentary participation in EU affairs and the national scrutiny system encouraged MPs to trigger reform debates. Overall, discussions on the amendment of the scrutiny system were rather consensual and did not trigger any sharp conflict lines between pro-European and Eurosceptic or opposition and majority MPs. We noticed that the "political entrepreneurs" of change within the Eduskunta had "Europeanised" profiles and were familiar with parliamentary procedures due to their extensive political experience. The parliamentary administration and the Government were also actively involved in reflections on revisions within the Eduskunta.

### *7.4.3 Conclusion*

In this part, we analysed parliamentary involvement in the context of the Constitutional Treaty. The analysis of both parliamentary activity and institutional change showed that MPs' sociological features affected their involvement in EU affairs. In the case of parliamentary activity, MPs' political positions within parliament, their position on the political spectrum and their ideological orientation seemed to play a significant role. Socio-demographic elements seemed to affect substantially institutional change, as no political conflicts could be identified in debates on parliamentary procedures.

We observed that political tensions emerged between and within the parties, not so much on the Constitutional Treaty itself than on the issue of a domestic referendum on the treaty. Especially Eurosceptic opposition MPs insisted in parliament about the need to organise such a

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<sup>484</sup> 06.10.2006, Opinion of the Grand Committee, SuVL 8/2006vp – HE 67/2006vp, Government proposal for the adoption of a Treaty establishing a Constitution for Europe and a law on the transposition of its legislative provisions

<sup>485</sup> 29.11.2006, Opinion of the Foreign Affairs Committee, UaVM 13/2006vp – HE 67/2006 vp, Government proposal for the adoption of a Treaty establishing a Constitution for Europe and a law on the transposition of its legislative provisions



public consultation. Consensus was large among pro-European MPs from both opposition and majority. However, single MPs had divergent positions. Group discipline was quite loose, as single majority MPs joined the opposition to support the referendum idea. We cannot speak of clear polarisation patterns, as both opposition and majority MPs were divided over the issue.

Parliamentary scrutiny of the Constitutional Treaty depended mainly on governmental information. The Government was Parliament's main counterpart, which means that majority MPs played a significant role in influencing the outcome of the discussions. However, it is difficult to say that parliamentary activity increased because of the Constitutional Treaty, as most salient issues were actually more wide-scoped. Trade unions did not influence explicitly MPs' work, even though they might have played a role in some affiliated parties' positions. Indeed, the SDP supported the treaty and so did the SAK, the trade union confederation closest to the party. Moreover, the analysis of key players' profiles shows that "Europeanised" profiles prevail. GC and FA Committee members were mainly active in the scrutiny process and debates on procedural revisions. The rest of the parliament was aware of the treaty, but mainly through the referendum issue. We identified the same trends in the Austrian National Council, where MPs seemed to be more interested in national topics than in the treaty. The Constitutional Law Committee played a role mainly in the definition of the voting procedure. The treaty required a two-thirds majority that was easily fulfilled by the government parties in Parliament. Therefore, no strategical competition could be observed within Parliament to gather the necessary votes. Without surprise, opposition MPs used the most the tools to scrutinise their Government's EU policy. However, as said before, we could not identify clear ideological boundaries within the opposition and the majority. While opposition MPs were mainly focusing on the referendum issue, the rest was scrutinising Finland's general EU policy.

Furthermore, institutional change remained limited to few superficial measures, as most MPs agreed consensually on the Eduskunta's satisfying scrutiny infrastructure. Multiple actors were involved in the revision process: MPs, the parliamentary administration and government officials. The Secretary General of the Parliament chaired the EU-review committee and could monitor closely the direction of change. In the political sphere, pro-European MPs maintained the consensus over institutional change, because they had a common normative understanding of their Parliament's role in EU policy. This consensual atmosphere strengthened indirectly the Government's control over institutional change, even more so as a majority of members of the EU-review committee were prior government members.

## 7.5 Evolution of parliamentary involvement in the context of negotiations on the Lisbon Treaty (2006-2009)

This part will base on the same institutional and sociological features as the previous one. We will check the influence of MPs ideological positions (H1.1), their political position (H1.2) and the overall polarisation trends (H1.3) on parliamentary involvement in the context of the Lisbon Treaty. Just as in the previous section, we assume that the mainstreaming of EU affairs depends on the salience of the treaty in Finland and within parliament (H2). Moreover,

the salience level of the Lisbon Treaty will determine to what extent MPs used parliamentary instruments to scrutinise their government. The second section will analyse if and how the Lisbon Treaty led to institutional change within parliament (H3).

### *7.5.1 Parliamentary involvement in the framework of the negotiations on the Lisbon Treaty*

#### **General context**

Between the end of the discussions on the Constitutional Treaty and the beginning of the ratification procedure of the Lisbon Treaty within the Eduskunta, Finland had legislative elections on 18<sup>th</sup> March 2007. The elections were a victory for the conservatives (KOK), while the SDP lost votes and seats in parliament. The KESK arrived first with 51 seats in parliament, but lost 4 seats in total. The KOK gained substantial votes and became the second biggest party with 50 seats in parliament. The SDP had a big loss of 8 seats in parliament. The Greens (VIHR) and the True Finns (PS) gained both votes and seats.

**Table 18: Legislative elections in Finland in 2003 and 2007**

Year of election	Political parties							
	KESK	SDP	KOK	VAS	VIHR	SFP	KD	PS
2003	24,69	24,47	18,55	9,93	8	4,61	5,34	1,57
2007	23,1	21,4	22,3	8,8	8,5	4,6	4,9	4,1

Source: [https://www.stat.fi/til/evaa/2007/evaa\\_2007\\_2007-03-22\\_tie\\_002\\_en.html](https://www.stat.fi/til/evaa/2007/evaa_2007_2007-03-22_tie_002_en.html) (last accessed 13.06.2019)

Overall, the parliamentary elections in 2007 represented a difficult episode for the SDP. For the first time, the SDP became the third biggest party, behind the KOK and KESK (Arter, 2007). Indeed, a new centre-right coalition was formed between the KESK, KOK, VIHR and SFP. The Vanhanen II cabinet evicted the SDP from the coalition. Non-socialist coalitions happened rarely in Finland before the 2007 elections. The majority in parliament became bigger, with 126 MPs out of 200 coming from coalition parties. The opposition was constituted of the SDP, PS, VAS and KD. Due to party finance scandals within the KESK that began in 2008<sup>486</sup>, the Prime Minister Vanhanen had to resign by mid-term, in June 2010. Mari Kiviniemi replaced him and led a new coalition formed with the same parties until the next elections in 2011. The difficult domestic political situation between 2008 and 2010 might have affected the attention given to the Lisbon Treaty.

The Eduskunta received the Government's proposal to ratify the Lisbon Treaty on 28<sup>th</sup> March 2008. Several sectoral committees pre-examined the matter and consulted experts. Parliamentary discussions on the Lisbon Treaty started officially on 10<sup>th</sup> April 2008 when the State Secretary of the Foreign Affairs Ministry launched a debate on security guarantees included in the new treaty (Gassen, In: Lieb/Maurer/Von Ondarza, 2008). The FA Committee was designated to produce a report on the proposal, with the opinions of the GC and the Constitutional Law Committee. The Prime Minister Vanhanen came to the Parliament a week

<sup>486</sup> KESK politicians were accused of corruption in the framework of an election funding scandal. While public opinion became more and more frustrated with the situation, the Greens called for new elections. See <http://www.helsinkitimes.fi/htimes2/index.php/domestic-news/politics/6912-election-funding-scandal-reveals-routine-misuse-of-political-power> (last accessed 13.06.2019)

later to hold a speech on the Lisbon Treaty. In its opinion, the GC explained that the Lisbon Treaty was less clear than the Constitutional Treaty, but represented nonetheless a more satisfactory result than the current treaty<sup>487</sup>. The Constitutional Law Committee set the voting framework, just as for the Constitutional Treaty. A two-thirds majority was needed. The committee also underlined the necessity for the Parliament to give its approval to the ratification proposal, considering that the Lisbon Treaty contains comprehensive provisions on the EU's decision-making system<sup>488</sup>. Sectoral committees organised hearings and submitted their opinion to the FA Committee, which presented its report on 30<sup>th</sup> May 2008. The committee welcomed among others the extension of the qualified majority voting and the security guarantees. It concluded that Parliament should ratify the treaty<sup>489</sup>. On 04<sup>th</sup> June 2008, the Parliament discussed and adopted the report of the FA Committee. The Eduskunta approved the government bill and ratified the treaty on the 10<sup>th</sup> and 11<sup>th</sup> June 2008. The Lisbon Treaty was adopted by 151 votes. 85 majority MPs voted in favour and 6 MPs against the treaty. In the opposition, 66 MPs voted in favour and 21 against the treaty<sup>490</sup>.

Overall, the KESK, SDP, KOK, VIHR and SFP voted mainly in favour, while the PS, KD and VAS rejected the treaty. However, like the previous time, some groups were divided over the issue. Indeed, within the majority, 3 KESK MPs and 3 SDP MPs decided to go against the current and to reject the Lisbon Treaty. Within the opposition, 5 VAS MPs and 3 KD MPs voted in favour of the treaty and against their party's political line. In particular, we see that group discipline became weaker within the KD and SDP and stronger within the KOK and VIHR. While a majority of MPs adopted the treaty in parliament, within the civil society, Euroscepticism grew stronger. In autumn 2007, the negative perception of the EU reached its highest score. 35% of the population thought that the EU had a negative role in Finnish economy<sup>491</sup>.

Overall, parties supporting the treaty welcomed the strengthening of the EU's legal personality and the protection of fundamental rights, the reference to the Charter of Fundamental Rights and the simplification of the decision-making process. Still, the Lisbon Treaty was seen as a more blurred and complicated product compared to the Constitutional Treaty. The KESK, KOK, SDP, SFP and VIHR supported more or less the same elements in the Lisbon Treaty. For the KESK, the Lisbon Treaty was seen as a necessary tool to improve the democratic accountability of the EU, clarify the division of power between EU institutions, strengthen the EP and citizens' rights<sup>492</sup>. A KESK MEP called also for maintaining one

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<sup>487</sup> 16.05.2008, Opinion of the Grand Committee, SuVL 1/2008vp – HE 23/2008 vp, Proposal of the government on the adoption of the Treaty of Lisbon amending the Treaty on the European Union and the Treaty establishing the European Community and on the transposition of the legislative provisions.

<sup>488</sup> 23.05.2008, Opinion of the Constitutional Law Committee, PeVL 13/2008vp – HE 23/2008vp, Ibid.

<sup>489</sup> 30.05.2008, Opinion of the Foreign Affairs committee, UaVM 6/2008vp – HE 23/2008vp, Ibid.

<sup>490</sup> 11.06.2008, 66<sup>th</sup> plenary session, Government proposal to parliament on the adoption of the Treaty of Lisbon amending the Treaty on the European Union and the Treaty establishing the European Community and the Act concerning the transposition of the legislative provisions.

<sup>491</sup> Eurobarometer N°68, Autumn 2007,

<http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/STANDARD/yearFrom/2006/yearTo/2009/surveyKy/664> (last accessed 13.06.2019)

<sup>492</sup> 10.04.2008, 36<sup>th</sup> plenary session, PTK 36/2008vp, Government proposal to parliament on the adoption of the Treaty of Lisbon amending the Treaty on the European Union and the Treaty establishing the European Community and the Act concerning the transposition of the legislative provisions.

European Commissioner per country in Finland's interests<sup>493</sup>. The KOK party emphasised Finland's willingness to be an active player in the EU<sup>494</sup>. KOK MPs underlined the democratising effect of the treaty and its contribution to the improvement of the CFSP<sup>495</sup>. SDP MPs highlighted the development of a Social Europe and the strengthening of the fundamental rights and the transparency of the EU decision-making.

Interest groups also supported the treaty. For instance, all wage-earners organisations favoured the strengthening of the fundamental rights and their binding nature, as well as the EU's social base<sup>496</sup>. The SAK, STTK and AKAVA welcomed among others the recognition of the status of labour market organisations, the Finnish earnings-related pension scheme and the status of Finnish sparsely populated areas<sup>497</sup>. From the side of the population, even though negative feelings grew, the positive image of EU membership grew as well. Indeed, while 42% of the population supported EU membership as a good thing in April 2007<sup>498</sup>, the percentage increased to 45% in September 2007, 48% in October 2008 and 52% in June 2009<sup>499</sup>. The main reason might be the successful ratification of the Treaty of Lisbon, which gave the impression of a concrete outcome of the almost decade-long discussions.

Among the opponents of the treaty, VAS MPs argued that the Lisbon Treaty increases neoliberal trends within the EU and contradicts the social model. The party also put the referendum idea back on the agenda. The KD favoured an intergovernmental EU with Member States as the main actors of the legislative process. The PS harshly criticised the Lisbon Treaty as a mean towards the end of national sovereignty and independence. The party also reproached the Government for not encouraging civic debates on the treaty<sup>500</sup>. From all the topics discussed

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<sup>493</sup> 19.06.2008, Kauppalehti, Jätteenmäki haluaa kaikille jäsenmaille oman EU-komissaarin [Jätteenmäki wants all EU MS to have their own EU Commissioner]

<sup>494</sup> 27.05.2009, <https://www.kokoomus.fi/ukkola-eu-on-arvoyhteiso/> (last accessed 13.06.2019)

<sup>495</sup> 10.04.2008, 36<sup>th</sup> plenary session, PTK 36/2008vp; 04.06.2008, 63<sup>rd</sup> plenary session, PTK 63/2008vp, Government proposal to parliament on the adoption of the Treaty of Lisbon amending the Treaty on the European Union and the Treaty establishing the European Community and the Act concerning the transposition of the legislative provisions

<sup>496</sup> 18.06.2007, Position of wage-earners organisations on the EU Constitution, FinUnions, [https://www.finunions.org/ajankohtaista/uutiset/uutisarkisto/2007/palkansaajajarjestojen\\_kannanotto\\_eu\\_n\\_perustuslaista.143.news?1047\\_o=80](https://www.finunions.org/ajankohtaista/uutiset/uutisarkisto/2007/palkansaajajarjestojen_kannanotto_eu_n_perustuslaista.143.news?1047_o=80) (last accessed 13.06.2019); 30.04.2008, SAK, Government proposal on the adoption of the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community and the Act concerning the transposition of the provisions of its law HE 23 2008

<sup>497</sup> 18.5.2007, Fin Unions, Announcement of the EU Representation of Employers' Organizations, "*The reform of the EU's constitutions, the "constitution", has come out briskly*", [https://www.finunions.org/ajankohtaista/uutiset/uutisarkisto/2007/eu\\_n\\_perussopimusten\\_eli\\_perustuslain\\_uudistus\\_lahtenyt\\_rivakasti\\_liikkeelle.127.news?1047\\_o=90](https://www.finunions.org/ajankohtaista/uutiset/uutisarkisto/2007/eu_n_perussopimusten_eli_perustuslain_uudistus_lahtenyt_rivakasti_liikkeelle.127.news?1047_o=90) (last accessed 13.06.2019)

<sup>498</sup> April 2007, Eurobarometer N°67, <http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/STANDARD/yearFrom/2006/yearTo/2009/surveyKy/617> (last accessed 13.06.2019)

<sup>499</sup> September 2007, Eurobarometer N°68, <http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/STANDARD/yearFrom/2006/yearTo/2009/surveyKy/664> (last accessed 13.06.2019); October 2008, Eurobarometer N°70 <http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/STANDARD/yearFrom/2006/yearTo/2009/surveyKy/832> (last accessed 13.06.2019); June 2009, Eurobarometer N°71 <http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/STANDARD/yearFrom/2006/yearTo/2009/surveyKy/829> (last accessed 13.06.2019)

<sup>500</sup> 10.04.2008, 36<sup>th</sup> plenary session, PTK 36/2008vp and 04.06.2008, 63<sup>rd</sup> plenary session, PTK 63/2008vp, Government proposal to parliament on the adoption of the Treaty of Lisbon amending the Treaty on the European

in the plenary sessions, the CFSP seemed to be the most important one. Indeed, pro-European MPs welcomed the strengthening of the CFSP and the development of civilian crisis management, mutual assistance obligations and structural cooperation between Member States. Eurosceptic MPs, especially the Eurosceptic branch of the VAS, worried about the militarisation of the EU.

Another issue that weighed on the parliamentary ratification of the Lisbon Treaty was the demands made by the Åland Parliament in exchange of its agreement to pursue the ratification process. In 2008, the Åland “Lagting” set conditions in return of its support to the treaty ratification. The regional parliament requested a seat in the EP, more weight in the European Commission and the European Council as well as a right of participation in the subsidiarity monitoring<sup>501</sup>. However, none of the Lagting’s demands were taken into account by the Finnish President when he ratified the treaty in October 2009, which raised consternation of the regional parliament. Finally, the Åland Parliament approved the Lisbon Treaty in November 2009 after intense discussions. The trigger for the turnaround might have been the discussions within the Eduskunta about Åland’s participation in the subsidiarity monitoring. Even though the Åland Parliament could have rejected the Lisbon Treaty, it would not have affected the ratification process. However, the deliberate disregard of the regional parliament’s demands triggered domestic political tensions.

Overall, the Lisbon Treaty did not seem to be the main object of discussions and tensions between MPs. Indeed, several domestic issues attracted more attention in Finland than the treaty itself. Firstly, debates arose mid-2007 on the European Agricultural policy and the subsidies received by Finnish farmers anchored in the 1995 accession treaty. Political tensions between Sweden and Finland grew when the first requested an end to national farm subsidies in Finland<sup>502</sup>. The Prime Minister Vanhanen even threatened to link this agricultural issue to the treaty negotiations. Subsequently, the VAS, KD and PS announced in Parliament that they refused the signature of the Lisbon Treaty in light of this situation (Gassen, In: Lieb/Maurer/Von Ondarza, 2008). On top of this, requests for a national referendum emerged once again in 2007 in the ranks of the VAS and the PS. However, unlike in the case of the Constitutional Treaty, other parties and the Government were not interested to subject the treaty to a referendum (Raunio/Wiberg, In: Brouard/Costa/König, 2012). Thirdly, the issue with the Åland Islands in 2008-2009 attracted considerable attention from political players, fearing that the regional parliament could block the whole ratification process in Finland. Finally, internal difficulties within the KESK in 2009 and the resignation of the Prime Minister in 2010 occupied most of the media landscape.

To sum up, we could not observe clear polarisation trends on the Lisbon Treaty itself. Within Parliament, debates on the Lisbon Treaty were moderate. A large majority of the parties voted in favour of the treaty, even though some single MPs decided to move away from the

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Union and the Treaty establishing the European Community and the Act concerning the transposition of the legislative provisions.

<sup>501</sup> Sundberg, Yearly country report on Finland, In : European Journal of Political Research, 2009.

<sup>502</sup> 10.10.2007, YLE, Sweden and Finland in Farm Subsidy Spat, [https://yle.fi/uutiset/osasto/news/sweden\\_and\\_finland\\_in\\_farm\\_subsidy\\_spat/5805377](https://yle.fi/uutiset/osasto/news/sweden_and_finland_in_farm_subsidy_spat/5805377) (last accessed 13.06.2019)



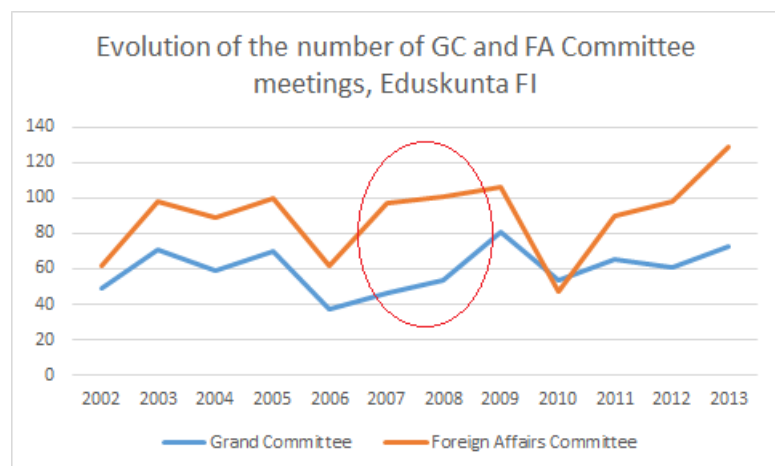
majority's line. Dissident opposition MPs were not numerous and did not weigh on the final decision. Moreover, multiple domestic issues diverted MPs' attention from the treaty negotiations.

### **Analysis of parliamentary involvement**

The number of committee meetings and plenary debates dedicated to the Lisbon Treaty were lower than that on the Constitutional Treaty. The Foreign Affairs Committee remained the most active player, with 21 meetings in 2008. Indeed, the CFSP was once of the crucial topics on the Finnish agenda. The GC met only 6 times and the Constitutional Law Committee 11 times (see table V, appendix 1). MPs participated in 5 plenary sessions. Sectoral committees also participated in the discussions on the treaty and submitted their opinions to the FA Committee. They organised hearings and received written statements from the different trade union organisations (SAK, STTK, AKAVA, EK, MTK).

The number of meetings of the GC and the FA Committee remained high, as we counted only the year 2008, whereas meetings in the context of the Constitutional Treaty were held over a wider timespan (2003-2006). Just as for the Constitutional Treaty, the main issues of concern in the context of the Lisbon Treaty seemed to be the CFSP and the preservation of Finland's representativeness on the EU level, which could explain why the FA committee met more often. The graph below shows the evolution of the GC's and FA Committee's meetings.

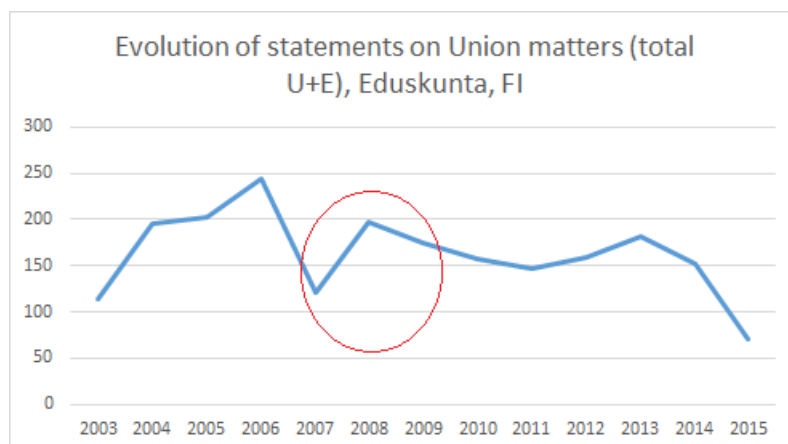
**Figure 75: Number of GC and FA committee meetings in the context of the Lisbon Treaty (in total), Edsukunta**



Source: Own calculations.

A reason that might explain the increase in the number of meetings since the legislative session 2006-2007 is the parliamentary elections in March 2007 and the boost of parliamentary activity after the electoral campaign and the election results. However, the number of meetings does not automatically indicate the level of activity. Indeed, when we analyse the number of Union matters received and handled by the GC, we observe that the GC was more active than the FA Committee over the same period of time. The graph hereunder illustrates the evolution of statements on Union matters, which increased between 2007-2008.

**Figure 76: Statements on Union matters (total U+E) in the context of the Lisbon Treaty (in total), Eduskunta**



Source: Own calculations.

The evolution of parliamentary questions on EU affairs is another element that can explain trends in parliamentary activity in the context of the treaty negotiations (see figure 71). We note that the number of questions increased between 2007 and 2009, probably for the same reasons as the committee meetings and the Union statements. However, they stayed almost at their lowest during that time. An explanation could be the aftermath of the legislative elections in 2007, which meant renewed parliamentary activity after the election campaigns, but also the lower salience of EU issues in Parliament following the failure of the Constitutional Treaty.

The graphs show that there is a clear gap between committee activity and MPs' involvement. Even though committees met more frequently, the level of activity remained low on the side of single MPs. This observation can be made specifically for the Lisbon Treaty. Indeed, MPs tended to use less scrutiny tools than during negotiations on the Constitutional Treaty. The table W (see appendix 1) sums up the used scrutiny instruments in the framework of the negotiations on the Lisbon Treaty. Just as in the previous section on the Constitutional Treaty, questions and committee opinions were the two main used scrutiny instruments.

The analysis of submitted parliamentary instruments shows clearly that the opposition (SDP, VAS, KD and PS) was more active than the majority (KESK, KOK, VIHR, SFP). Indeed, only few majority MPs asked questions to their government. Opposition MPs submitted questions and dissenting opinions. The proportion of active Eurosceptic opposition MPs is higher than pro-European opposition MPs, which explains why the tools were mainly used to reject the treaty or request a national referendum. However, if we analyse plenary debates, we witness that opposition and majority MPs were equally involved in the discussions, especially the KOK and the VAS groups. Overall, be they from the majority or the opposition, pro-European MPs were still majoritarian in the debates. In any case, both camps defended their position according to their opinion on European integration. Therefore, we can validate both sub-hypotheses H1.1 and H1.2 according to which MPs' ideologies and their positioning on the political spectrum influenced their involvement. Even though in the opposition, SDP MPs did not criticise the Government's EU policy. Rather, the group asked for additional information not available to opposition MPs. A reason could be the party's wish to re-integrate the next



coalition formation and thus MPs' strategy to abstain from criticism. Overall, the number of dissident MPs in each group was also lower than in the case of the Constitutional Treaty. Group discipline seemed to be stronger. However, as the pro-European SDP represented a large proportion of the opposition, Eurosceptic voices were dampened and did not lead to polarisation tendencies within the Eduskunta. The VAS, KD and PS had only 29 MPs altogether, which did not affect significantly the majority's position. Even within the VAS, MPs were divided over the treaty. Therefore, we can partially confirm sub-hypothesis H1.3, because growing political tensions forced MPs to stick more to their group's position. However, we could not observe any polarisation between the groups.

Overall, the interest for the treaty was circumscribed, as it changed only marginally the content of the Constitutional Treaty (Interview 3b, 2018). Weariness and the lack of technical knowledge might have been the reason why awareness was low. Indeed, the Lisbon Treaty was salient only for a limited number of MPs. Thus, hypothesis H2 cannot be validated. We identified two types of key players involved in discussions on the Lisbon Treaty: on the one hand GC and FA Committee members, and on the other hand some sectoral committee members. Sectoral committee members were more involved in the debates than GC or FA Committee members. Just as in the case of the Constitutional Treaty, the seniority of GC members was higher than that of sectoral committee members, which indicates once again that EU experts with extensive political experience were more legitimate to handle these issues and more interested in EU affairs. Several key players already followed the Constitutional Treaty and used their acquired knowledge to handle the Lisbon Treaty.

Moreover, most active GC and FA Committee members had a higher experience in the Government than sectoral committee members, even though to a lesser extent than during the previous treaty. Influence of the Government on these MPs was limited, but the perspective to reintegrate future coalitions might have oriented their behaviour. Indeed, most MPs with government experience came from the VAS and SDP, both in opposition. They might have used their prior ministerial experience to leave a political mark in parliament. The regular changes in coalition formations obliged them to support the current government with the hope to be nominated minister in the future. However, direct contacts with ministry representatives or civil servants might not have been easy because of their political positioning. We can say that MPs' prior experience in the Government certainly helped the latter to exert indirect influence on parliamentary discussions, but that the low number of former ministers limited this influence. Government influence on parliamentary discussions probably passed through the GC Chair, who belonged to the pro-European opposition SDP, supportive of the treaty.

Political leaders were less numerous among the key players than during the previous treaty. Group chairs came mainly from the Eurosceptic opposition. Their main role was to represent their group's position in the discussions on the Lisbon Treaty, to gather information and criticise the Government's EU policy. The lower proportion of political leaders among key players proves that there was a general disinterest from the parties towards the treaty, because it was not as salient and publicised as the Constitutional Treaty.

Moreover, key players involved in discussions on the Lisbon Treaty had fewer memberships in interparliamentary conferences than during the previous treaty. They were

mainly member of formats such as the Nordic cooperation or international interparliamentary cooperation. The fact that more sectoral committee members were involved could explain the lower proportion of MPs with a direct link to the EU level. Indeed, GC and FA Committee members were usually more active in these formats. It also means that less MPs were sensitised to EU affairs through the European channel.

Therefore, we cannot clearly say that MPs with “Europeanised” profiles were the most active key players, as sectoral committee members with less professionalised profiles shared the stage with GC and FA Committee members. This validates only partially sub-hypothesis H2.1. Overall, personal motivations forged by MPs’ position in Parliament, the length of their mandate, their prior professional experience and whether they accompanied Finland’s EU accession were significant factors that influenced their involvement. For sectoral committee members, involvement was motivated mostly by political strategies, while GC and FA Committee members were driven by personal conviction and EU-centred interests.

To conclude, the multiplicity of domestic challenges that punctuated the discussions on the Treaty of Lisbon diminished the treaty’s salience in Finland. Scrutiny was not as important as during the Constitutional Treaty, because MPs were interested in other issues and were tired of repetitive unfruitful debates. Therefore, we cannot validate hypothesis H1, as we observed the opposite. Indeed, the low salience of the treaty led to less parliamentary activity. Only Eurosceptic opposition MPs used actively the scrutiny tools, but their weight on the decisions remained minimal. Indeed, a large majority in parliament composed of pro-European groups supported consensually the Government’s position on the Lisbon Treaty, giving at the same time a significant influence to the coalition. The next section will analyse the impact of the treaty on the Eduskunta’s scrutiny system.

#### *7.5.2 The Lisbon Treaty: an opportunity for institutional change in the Eduskunta?*

Contrary to the Constitutional Treaty, the context of the Lisbon Treaty seemed to have triggered more attention on procedural and constitutional revisions related to national EU scrutiny. During discussions on the Lisbon Treaty, first reflections on the Parliament’s role in EU affairs started beginning of 2008. Debates continued after the ratification of the treaty, until February 2010. In 2008, the Eduskunta debated the cooperation framework with the Government for the national preparation of EU issues. In 2009 and 2010, Parliament considered a revision of its RoP and discussed the distribution of competences between the Prime Minister and the President of the Republic with regard to representation in the European Council. The Ministry of Foreign Affairs created an EU-review committee in June 2009, composed of MPs, parliamentary civil servants, ministerial experts and a Finnish expert from the EP. The table X (see appendix 1) sums up the meetings that dealt with institutional change in the context of the Lisbon Treaty.

In the framework of the Lisbon Treaty, less MPs were involved in discussions on institutional change. The main initiators were the GC, the EU-review committee or working group assessing the EU scrutiny procedures and the parliamentary administration. MPs from

the Constitutional Law Committee and FA Committee also participated in the debates, but to a lesser extent. Officials from the GC Secretariat were actively involved in the discussions of the EU-review committee. The Eduskunta's Secretary General also reflected on RoP amendments. The second EU-review committee was composed of less MPs than the first committee was in 2004. Identifying single MPs as the initiators of change was difficult, as most discussions happened within the committee arena<sup>503</sup>. The 2009 EU-review committee was composed of only three MPs, among them two from the majority and one from the opposition. All of them came from parties with pro-European tendencies. This time, Eurosceptic MPs were not directly included in the discussions.

MPs from the coalition parties KESK and KOK, alongside MPs from the opposition party SDP kept control over the procedural revisions. The then GC Chair came from the SDP and was the chair of the EU-review committee, while KOK MPs chaired the FA and Constitutional Law committees. Overall, we can say that the biggest mainstream parties with pro-European positions dominated parliamentary debates on institutional change, backed by the parliamentary administration. We could not observe political tensions on the scope and direction of change, which gave even more legitimation to EU experts. Parliamentary culture determined which players led institutional change, which confirms sub-hypothesis H3.2. Indeed, in this consensual atmosphere dominated by pro-European MPs, key players tended to have "Europeanised" profiles. Political competition was not at the origin of change, because EU experts monopolised the stage and reinterpreted normatively the Eduskunta's role in EU affairs.

Most key players were senior MPs with GC or FA Committee memberships. They counted among the most active MPs that scrutinised the Lisbon Treaty as well as the Constitutional Treaty. Thus, their knowledge on both treaties was significant and helped them assessing the status quo of the Eduskunta's scrutiny system in light of the legal developments on the European level. Only one MP had a recent mandate, but occupied a political leadership position just as most "political entrepreneurs" of change. In fact, most were committee chairs and came from the GC. As outlined above, the chair of the EU-review committee from the SDP was at the same time GC Chair and member of the Speaker's Council that suggested RoP amendments in 2009. Another KOK MP was vice-chair of the EU-review committee and vice-chair of the GC, just as a KESK MP.

Additionally, the members of the EU-review committee participated actively in interparliamentary conferences. Without surprise, they were particularly sensitised to EU norms. More specifically, just as in the 2004 EU-review committee, all three MPs were COSAC members in 2008 when reflections on procedural revisions started in Finland. During the 2008 COSAC meeting in Slovenia, discussions focused on the ratification of the Lisbon Treaty in parliaments, as well as the treaty's impact on national parliaments. These MPs followed discussions on the implications of the subsidiarity monitoring on the national legal system. Therefore, we assume that discussions within the COSAC probably influenced the Finnish delegation members to request the establishment of the EU-review committee in 2009.

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<sup>503</sup> Unfortunately, we did not have access to the full minutes of committee meetings.

Prior experience in government did not seem to play a role in MPs' involvement in discussions on institutional change. Only the SDP GC Chair had been Foreign Affairs Minister. His involvement in revision procedures within the Eduskunta emanated surely from personal convictions originating from his extensive political career. He still exerts a mandate in the Eduskunta and counts among the MPs with the highest seniority in parliament (Interview 4b, 2018). He participated in COSAC meetings in 1996 and from 2007 to 2010. Therefore, he was probably perceived as an expert in EU affairs and mainly competent to assess Parliament's scrutiny rights. His expertise probably helped him to position himself politically in parliament in case the Government would call him back. This could be even truer as he became once again Foreign Affairs Minister during the 2011-2015 legislative period.

In light of these elements, we conclude that single MPs with important positions within parliament initiated the most change. Overall, political leaders from the GC, pro-European MPs and civil servants from the GC Secretariat monopolised revision initiatives. Motivations for such amendments came from personal convictions rather than political considerations, as consensus reigned over the direction of change.

As we announced earlier in the section, discussions on the national preparation of EU matters started already in January 2008 in the Government, before the ratification process of the Lisbon Treaty even started in Parliament. On 21<sup>st</sup> January 2008, the Ministry of Justice published guidelines on the "Cooperation between Parliament and Government in national preparations on European Affairs"<sup>504</sup>. The guidelines stressed out the need for the Government to inform Parliament without delay on any EU matter, attaching a memo to "U-letters". Moreover, the Government has to send emails to the Parliament on any other Union matters that do not fall within the Parliament's mandate, such as the European Commission's or Council's work programmes or the Commission's communications. In addition to these guidelines, the Ministry of Foreign Affairs published complementary guidelines on 05<sup>th</sup> March 2008 on EU agreements<sup>505</sup>. The GC gave its opinion on the guidelines on the 18<sup>th</sup> June 2008, outlining the main issues that the Eduskunta was facing at that time. Parliament did not have enough time to position itself on a European legislative act between the moment the Government receives it and the moment it transfers the proposal to Parliament<sup>506</sup>. The GC also asked for more governmental information during the proceeding of U-matters in Parliament. The subsidiarity monitoring as established through the Lisbon Treaty was not considered as central to the Eduskunta's activities. At the same time, single MPs from both the majority and the opposition, as well as the Constitutional Law Committee, the GC and the FA Committee, started to militate in favour of the anchorage in the Finnish Constitution of Finland's EU membership<sup>507</sup>.

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<sup>504</sup> 21.01.2008, Oikeusministeriö, EU;Eduskunnan ja valtioneuvoston yhteistoiminta Euroopan unionin asioiden kansallisessa valmistelussa, OM2008-00023 [*Cooperation between Parliament and the Government in national preparations for European affairs*].

<sup>505</sup> 05.03.2008, Ulkoasiainministeriö, EU; EU-sopimusten valmistelua ja voimaansaattamista koskevat ohjeet, UM2008-00482 [*Guidelines for the preparation and implementation of EU agreements*]

<sup>506</sup> 18.06.2008, Opinion of the GC, SuVL 2/2008vp – E130/2007 vp – E 11/2008vp, Government report on the co-operation between Parliament and the Government in national preparations for European affairs.

<sup>507</sup> 23.05.2008, Opinion of the Constitutional Law Committee, PeVL 13/2008vp – HE 23/2008vp, Government proposal to parliament on the adoption of the Treaty of Lisbon amending the Treaty on the European Union and

Following these first reflections, more debates on procedural reforms followed in 2009. The EU-review committee met for the first time in June 2009 and resumed its activities in January 2010. The main objective of the working group was to assess the status quo of the EU scrutiny procedures and the cooperation between MPs and MEPs in light of the new provisions of the Lisbon Treaty. A report was published in February 2010 summing up the conclusions<sup>508</sup>. The committee underlined the necessity of timely information and sectoral committees' active participation in EU affairs. The working group suggested also allowing MEPs to participate in plenary and committee debates. Following that suggestion made during the working group's meetings in 2009, the Speaker's Council, led by the Speaker belonging to the majority group KOK, decided in November 2009 to establish a joint parliamentary meeting between MPs and MEPs in Spring 2010, with the prospect of transforming it into an institutionalised practice.

The Speaker's Council, backed by the Secretary General of Parliament, also submitted a proposal to amend the Parliament's RoP in light of the subsidiarity monitoring and reporting guidelines for Finnish representatives in international institutions<sup>509</sup>. The proposal was discussed solely in the Constitutional Law Committee chaired by the KOK group. It suggested that all EU documents related to the subsidiarity control sent electronically to the GC Secretariat should be transferred to sectoral committees (Section 30 RoP). The Åland Islands should also be entitled to participate in the subsidiarity monitoring through the Eduskunta, which implied to add a provision on Åland's participation in the RoP. Moreover, Finnish representatives in international institutions should report directly to parliament instead of submitting written reports (Section 10 RoP). The Constitutional Law Committee adopted the proposal on 26<sup>th</sup> November 2009<sup>510</sup>. Parliamentary activity around the proposal remained limited. Only one SFP MP gave a speech on the proposal in the plenary session dedicated to it. Most of the work was done in committee.

Additionally, in December 2009, the Government submitted a report to Parliament on amendments to the European Council on the Lisbon Treaty<sup>511</sup>. The subject of the report was the distribution of competences in EU affairs between the Prime Minister and the President of the Republic. A potential trigger for these debates might have been a statement by the Chancellor of Justice in June 2009 based on observations made between 2008 and 2009. The Chancellery of Justice inquired about delays in the information flow between the Government and the Parliament on EU issues<sup>512</sup>. It concluded that the Government should stick to its obligation to

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the Treaty establishing the European Community and the Act concerning the transposition of the legislative provisions; 04.06.2008, 63<sup>rd</sup> plenary session, PTK 63/2008vp, Government proposal to parliament on the adoption of the Treaty of Lisbon amending the Treaty on the European Union and the Treaty establishing the European Community and the Act concerning the transposition of the legislative provisions

<sup>508</sup> 15.02.2010, Development of EU affairs in Parliament, Report of the EU Affairs Working Party, Eduskunta, 1/2010

<sup>509</sup> 12.11.2009, Proposal of the Speaker's Council to amend parliament's RoP, PNE 2/2009 vp

<sup>510</sup> 26.11.2009, Report of the Constitutional Law committee, PeVM 9/2009vp – PNE 2/2009vp, Proposal of the Speaker's Council to amend parliament's RoP

<sup>511</sup> Government report to the Parliament on the Council of State's amendments to the European Council on the Lisbon Treaty, E 162/2009 vp

<sup>512</sup> 03.06.2009, State Chancellery of Justice, Valtioneuvoston kirjelmien toimittaminen eduskunnalle (Perustuslain 96 § 2 momentti) [Submission of Government Declarations to the Parliament (Constitution Section 96 (2))], OKV/12/50/2008; 05/06/2009, Justice Chancellor Jaakko Jonkka: Government to Deliver EU Affairs Immediately

transfer Union matters to Parliament as soon as possible. In this framework, the Constitutional Law Committee led again the discussions, receiving the opinion of the FA Committee. In February 2010, the Constitutional Law Committee concluded that the Government's competences in EU affairs should be extended to all EU policies including the CFSP and that it represents Finland during negotiations in the European Council<sup>513</sup>. The President of the Republic was then excluded from European Council meetings, even though a close cooperation with the Government was still recommended. In the meantime, the Government also submitted a report on an EU impact assessment to the GC in December 2009. The report complemented a previous government report on Finland's EU policy and evaluated ways to enhance Finland's influence on the EU decision-making process<sup>514</sup>. The GC submitted its opinion on the same date as the Constitutional Law Committee, in February 2010. It highlighted the need to maintain parliament's early involvement in EU affairs.

On top of RoP amendments, the multiplication of evaluations and attempts to revise the Finnish scrutiny procedure in EU affairs led to the drafting of a bill in May 2010 containing several constitutional amendments (Ojanen, 2013). Parliament adopted the amendments by a broad majority. The new constitutional provisions relate to the mentioning of Finland's EU membership in the Finnish Constitution, the reduction of the presidential powers in EU affairs and the necessity of a two-thirds majority in Parliament in case of substantial transfer of powers from the state to the EU and international levels.

In sum, debates on procedural revisions multiplied in the wake of the Lisbon Treaty. Compared to the Constitutional Treaty, reflections on Parliament's role in EU affairs were more intense, even though the Lisbon Treaty was less salient. We can validate hypothesis H3, because revisions depended on the implications of the treaty on the Eduskunta's participation rights, i.e. the necessity to preserve Parliament's strong scrutiny system. The Lisbon Treaty created a "misfit" between European and national rules, in particular concerning the introduction of the subsidiarity monitoring mechanism. We observed that the direction of change within the Eduskunta was dictated by majority groups and pro-European MPs backed by the parliamentary administration. Therefore, we can say that the coalition had an indirect influence on institutional change within Parliament through its majority MPs and the large support of the pro-European opposition. There was a consensual normative perception of the necessity to reinforce Parliament's rights in the wake of the Lisbon Treaty. The Parliament also integrated the subsidiarity mechanism in its internal procedures, but the establishment of new rules was only window dressing. Indeed, priority was given to the government-parliament cooperation as the central element of the Eduskunta's EU scrutiny system.

Ideas suggested in the report of the EU-review committee were barely implemented afterwards. Indeed, the Eduskunta did not organise more plenary debates on EU affairs. MEPs still have no explicit right to participate in plenary and sectoral committee meetings. The subsidiarity monitoring is also perceived as inefficient within the Eduskunta. In its 2009 annual

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to Parliament, <https://www.okv.fi/fi/tiedotteet-ja-puheenvuorot/220/oikeuskansleri-jaakko-jonkka-hallituksen-toimitettava-eu-asiat-viivytyksetta-eduskuntaan/> (last accessed 26.07.2019)

<sup>513</sup> 12.02.2010, Opinion of the Constitutional Law committee, PeVL 2/2010 vp – E 162/2009vp, Government statement on the Council of State's amendments to the European Council concerning the Treaty of Lisbon

<sup>514</sup> 12.02.2010, Opinion of the GC, SuVL 1/2010vp – E 168/2009vp, Government report on EU impact assessment

report, the Parliament admits that “[t]he Lisbon Treaty [...] will have little impact on parliamentary work. National parliaments’ possibility to take a position on whether a Commission proposal infringes the principle of subsidiarity [...] is nothing new for Parliament”<sup>515</sup>. Additionally, in the 2008 COSAC report, the Eduskunta wrote: “A specific procedure for subsidiarity issues will be added to the RoP, but it is assumed that it will be rarely or never be used”<sup>516</sup>.

### 7.5.3 Conclusion

In this section, we analysed parliamentary activity and institutional change in the Eduskunta in the context of the Lisbon Treaty. Firstly, we observed that parliamentary activity was low in terms of used scrutiny tools. Indeed, even though the total number of GC and FA Committee meetings was high during the year 2008, it did not translate into higher scrutiny of the Lisbon Treaty itself. Eurosceptic opposition MPs used mostly scrutiny tools to either reject the treaty or call for a national referendum. Group discipline got stronger in some parties (KOK) and looser in others (KD, VAS). Overall, their impact on the Government’s EU policy was minimal, as the new coalition also obtained a larger majority in Parliament. Pro-European MPs from both the majority (KESK, KOK, VIHR, SFP) and the opposition (SDP) supported the treaty. Due to this large majority and the more or less loose party discipline, we could not identify sharp political conflicts and polarisation trends. Rather, party dynamics in the form of a strong alliance of pro-European MPs seemed to be the main influencer of parliamentary activity and institutional change. Indeed, we could not observe any particular pressure from interest groups, be it externally through opinions or within Parliament through MPs’ affiliations.

We cannot state that the Lisbon Treaty was salient in Finland. Indeed, several domestic incidents between 2007 and 2009 punctuated the discussions and diverted MPs’ attention from the actual treaty. Contrary to the key players that scrutinised the Constitutional Treaty, we discovered that the most active MPs during the ratification process of the Lisbon Treaty came from sectoral committees. All in all, the Lisbon Treaty itself triggered equal attention from Eurosceptic opposition MPs, pro-European opposition MPs and pro-European majority MPs. The few interventions of pro-European MPs focused more on the treaty, while the Eurosceptic opposition instrumentalised the issue to bring the attention on the effects of the treaty on the national level, just as in the Austrian case. For the first, motivation was based on personal convictions, while for the latter, motivation was of strategic and rational nature.

Moreover, we could not clearly identify to what extent the Lisbon Treaty affected institutional change in the Parliament. It certainly influenced the RoP amendments on the subsidiarity monitoring, even though its implementation remained limited. Within Parliament,

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<sup>515</sup> Annual report of the parliamentary office, 2009, Parliament of Finland, [https://www.eduskunta.fi/EN/tietoaeduskunnasta/Documents/Eduskunta\\_2009\\_vuosikertomus\\_ENGLANTI.pdf](https://www.eduskunta.fi/EN/tietoaeduskunnasta/Documents/Eduskunta_2009_vuosikertomus_ENGLANTI.pdf) (last accessed 26.07.2019)

<sup>516</sup> COSAC, Annex to the Ninth bi-annual report by COSAC: replies to the questionnaire by the National Parliaments and the European Parliament, May 2008, FINLAND: EDUSKUNTA



the Constitutional Law Committee was the main “political entrepreneur” of change, alongside single MPs from the GC and the FA Committee with typical “Europeanised” profiles. The biggest mainstream parties monopolised the discussions on change within the Eduskunta. Just as in the previous section on the Constitutional Treaty, we noticed that party competition was not at the origin of change, because consensus was large among pro-European “political entrepreneurs” to change the procedures. The main reason of change lied in a normative reinterpretation of the Eduskunta’s role in the EU. Indeed, there was a general opinion that the Eduskunta had one of the strongest scrutiny systems among Member States. In general, Finnish MPs think that the scrutiny of EU affairs should pass through the control of the Government’s EU policy. In this framework, cooperation between Parliament and Government was perceived as sufficiently developed to guarantee the Eduskunta’s early involvement. The work of the Finnish Parliament and the Government is generally so closely intertwined through their respective party dynamics that the governmental majority easily controlled the revision procedures within the Eduskunta.

## 7.6 Evolution of parliamentary involvement in the context of negotiations on the ESM and the TSCG (2010-2013)

The last part of this chapter will analyse parliamentary involvement during the economic crisis, in particular in the context of the European Stability Mechanism (ESM) and the Fiscal Compact (TSCG). Just as in the previous parts, we will test the same hypotheses and see to what extent the treaties affected parliamentary activity and institutional change within the Eduskunta.

### 7.6.1 *Parliamentary involvement in the framework of the negotiations on the ESM and the TSCG*

#### **General context**

Negotiations on the ESM and the TSCG were preceded by rough parliamentary elections in April 2011. The electoral campaign turned mainly around the economic crisis. The conservative party KOK became the largest party for the first time since the Finnish independence (Arter, 2011) and gained 44 seats in parliament. The previous coalition partners KESK, SFP and SDP lost altogether 27 seats in parliament. The populist True Finns won their highest score (19,1%), becoming the third biggest party in Finland, even outpacing the Centre party. It obtained 39 seats in parliament (compared to 5 seats in 2007), while the KESK got 35 seats, losing 16 seats compared to 2007. The VAS and VIHR also lost some votes, but to a lesser extent than the larger parties. The table hereunder sums up the electoral results.

**Table 19: Legislative elections in Finland in 2007 and 2011**

Year of election	Political parties							
	KESK	SDP	KOK	VAS	VIHR	SFP	KD	PS
2007	23,1	21,4	22,3	8,8	8,5	4,6	4,9	4,1
2011	15,8	19,1	20,4	8,1	7,3	4,3	4,0	19,1

Note : Percentage of votes per party and per election year.

Source: [https://www.stat.fi/til/evaa/2011/evaa\\_2011\\_2011-04-29\\_tie\\_001\\_en.html](https://www.stat.fi/til/evaa/2011/evaa_2011_2011-04-29_tie_001_en.html)

The low scores of the KESK party can be explained by the scandal around its finances that led in 2010 to the resignation of the Prime Minister. Moreover, the economic crisis and the unpopular measures of the Government fuelled criticism among the public opinion and parties such as the SDP and the PS. Euroscepticism grew among the population. In May 2011, only 31% of the Finns thought that the EU had a positive image<sup>517</sup>. This proportion dropped to 22% in November 2011 and 21% in May 2012<sup>518</sup>. The economic crisis affected the population's opinion on the EU. The PS used the situation to gain popular support thanks to its populist rhetoric (Sundberg, 2011). The True Finns leader Timo Soini became the centre of attention during the electoral campaign thanks to his harsh criticism of the financial crisis and the Greek debt (Sundberg, 2012). As the PS became one of the largest parties, the coalition formation was difficult, as the mainstream parties were reluctant to cooperate with a populist counterpart. The new Prime Minister Jyrki Katainen (KOK) was responsible to lead the coalition negotiations and decided first to include the SDP and the PS in the coalition talks. However, Timo Soini rejected the offer due to ideological divergences on financial issues. In the end, a rainbow coalition or, as Arter called it, an "anything goes" government was established two months after the elections between the KOK, SDP, VAS, VIHR, SFP and KD, excluding the KESK and the PS (Arter, 2011). This configuration was more prone to political tensions due to a very large majority composed of parties with different ideological orientations, as well as a populist oriented rising PS in the opposition. This political constellation had an impact on parliamentary involvement during negotiations on the ESM and the TSCG.

## **ESM**

Before the actual parliamentary ratification of the ESM, the Government submitted two memoranda in May 2011 outlining the participation requirements of Finland in the treaty (Leino /Salminen, 2013). Therefore, before the actual treaty even reached the parliamentary arena, the Eduskunta had scrutinised it ex-ante. The Constitutional Law Committee handled the memoranda and underlined that the Parliament's approval was necessary, as the treaty affected directly its legislative and budgetary powers. Even though outside of the EU's legal framework,

<sup>517</sup> May 2011, Standard Eurobarometer 75,

<http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/STANDARD/yearFrom/2011/yearTo/2013/surveyKy/1019> (last accessed 26.07.2019)

<sup>518</sup> November 2011, Standard Eurobarometer 76,

<http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/STANDARD/yearFrom/2011/yearTo/2013/surveyKy/1020> ; May 2012, Standard Eurobarometer 77, <http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/STANDARD/yearFrom/2011/yearTo/2013/surveyKy/1063> (last accessed 26.07.2019)

the ESM was still considered by the Constitutional Law Committee as being part of the Government's competences (instead of the President's). This meant that Parliament received extensive information and participation rights on the matter. In September 2011, the Eduskunta received a government proposal to approve amendments to Article 136 TFUE. The proposal was examined in the FA Committee, which received opinions of the Finance and Constitutional Law committees. The proposal was discussed and approved in plenary in May 2012. 120 MPs voted in favour and 33 against it<sup>519</sup>. Within the majority, all MPs welcomed the proposal. Among opposition MPs, 28 voted in favour and 33 against it. The largest group to reject the treaty was the PS. In the meantime, the Government submitted a proposal to ratify the ESM treaty, which was announced in plenary on 27<sup>th</sup> April 2012<sup>520</sup>. The proposal was sent to the Finance Committee on 03<sup>rd</sup> May, which was responsible to draft a report with required opinions of the Constitutional Law, Commerce and Audit committees. MPs discussed and voted on the proposal and the report of the Finance Committee in plenary on 13<sup>th</sup>, 19<sup>th</sup> and 21<sup>st</sup> June 2012. The ESM treaty was adopted with 104 votes in favour and 71 against it<sup>521</sup>. All 104 MPs that approved the treaty came from the majority. The 71 MPs that rejected the treaty came all from the opposition, i.e. the KESK, PS and Left Party. Unlike the Constitutional Treaty or the Lisbon Treaty, group discipline seemed to be very strong, as no party was internally divided during the votes. We also observe that the usually pro-European KESK voted against the government proposal, taking its opposition role seriously.

## **TSCG**

In the case of the Fiscal Compact, the Government informed the Eduskunta on 22<sup>nd</sup> December 2011 and submitted four additional memoranda informing about the treaty negotiations (Leino/Salminen, 2013). The government proposal to ratify the TSCG was announced in plenary on 09<sup>th</sup> November 2012<sup>522</sup>. The matter was sent to the Finance Committee on 13<sup>th</sup> November with opinions from the Constitutional Law and Audit committees. On 12<sup>th</sup> December 2012, the Finance Committee suggested in its report to approve the treaty. The TSCG was discussed and voted on during the plenary sessions of 13<sup>th</sup>, 14<sup>th</sup>, 17<sup>th</sup> and 18<sup>th</sup> December. A large majority approved the treaty (139 votes in favour and 38 against). All majority MPs welcomed the treaty, while opposition MPs were more divided over the issue. The PS and Left Party rejected the treaty, while the KESK approved it, with the exception of one KESK MP. Overall, group discipline during the voting was as strong as during the vote on the ESM. Indeed, apart from the single KESK MP that did not follow the party's voting instructions, all MPs voted according to their party line.

EU affairs became already a priority in the electoral campaign discourses in 2011, both for majority and opposition parties (Jokela/Korhonen, 2012). The consensus around EU politics

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<sup>519</sup> 09.05.2012, 49<sup>th</sup> plenary session, Government proposal to parliament to approve the amendment of Article 136 of the Treaty on the Functioning of the European Union

<sup>520</sup> Government proposal to parliament to approve the agreement establishing the European Stability Mechanism (ESM) and to transpose its legislative provisions, HE 34/2012vp.

<sup>521</sup> 21.06.2012, 71<sup>st</sup> plenary session, Government proposal to parliament to approve the agreement establishing the European Stability Mechanism (ESM) and to transpose its legislative provisions

<sup>522</sup> Proposal by the government to parliament on the approval of the treaty on stability, coordination and governance in the economic and monetary union and on the law enforcing its legislative provisions, HE 155/2012vp

that prevailed before 2011 broke when more parties started to criticise the EU (Raunio, 2016). The elections themselves became politicised and polarisation grew between the parties. This trend was reinforced after the elections, in the course of 2011 and 2012 when the ESM, TSCG and financial packages were discussed in Parliament. The PS pushed to a politicisation of EU issues by using its populist anti-EU rhetoric to criticise the unpopular financial measures taken by the Government. Opposition parties felt excluded from the decision-making process on the Eurozone crisis. According to Raunio, the economic crisis led not only the PS, but also other parties, to emphasise national interests and the preservation of national sovereignty. Instead of consensual practices, cautiousness about EU policies prevailed after 2011 (Raunio, 2012). As Leino and Salminen formulate it, “[t]his is a clear change to the generally more mainstream and integration-oriented Finnish EU politics, where issues provoking national passion have been few and EU membership is generally understood in positive [...] terms” (Leino/Salminen, p.451, 2013).

In 2012, the EU financial crisis became a domestic matter and fuelled tensions within the government coalition between the Prime Minister and the SDP Finance minister supported by the trade unions (Sundberg, 2013). For instance, just as the SDP, the SAK, AKAVA and STTK argued among others in favour of enhanced private sector liability<sup>523</sup>. Before the parliamentary elections, while still in opposition, the SDP operated already a change in its position on EU issues. Indeed, the SDP rejected the Greek and Irish loan packages, moving closer to nationalistic considerations (Jokela/Korhonen, 2012). The SDP had requested collaterals for loans given to Greece during the electoral campaign, which were highly controversial among coalition parties. However, the Finance minister kept her promise and passed the deal. The SDP supported the ESM, but called for higher responsibility of banks and private investors in the crisis management. The party rejected any solidarity of debts in the EU<sup>524</sup>. The SDP also welcomed the TSCG, but highlighted the need to preserve the Parliament’s budgetary powers and Finland’s sovereignty<sup>525</sup>. Moreover, coalition partners were also internally divided over the question of European integration, in particular within the Prime Minister’s party (KOK). Criticism of the Prime Minister’s decisions came also from his party’s own ranks. Overall, the KOK supported the ESM and the TSCG, and argued that Finland’s participation in help packages would secure its own economic growth and interests<sup>526</sup>. Just as the SDP, the KOK rejected a debt union. The VIHR, SFP and KD supported the Government’s crisis management. The VIHR insisted on preserving the Parliament’s budgetary competences and the KD rejected the solidarity principle, just as the SDP and KOK. VAS MPs expressed more doubts about the efficiency and appropriateness of the ESM, but approved it. They

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<sup>523</sup> 28.11.2011, SAK, AKAVA and STTK, Kuinka ulos eurokriisistä?, Palkansaajakeskusjärjestöjen ekonomistien keskusteluasiakirja [How to leave the euro crisis? Working paper for economists’ recruitment centers].

<sup>524</sup> 13.06.2012, 66<sup>th</sup> plenary session, PTK 66/2012vp, 1) Government’s line in the economic crisis in the euro area

<sup>525</sup> 13.12.2012, 128<sup>th</sup> plenary session, PTK 128/2012 vp, Proposal by the government to parliament on the approval of the treaty on stability, coordination and governance in the economic and monetary union and on the law enforcing its legislative provisions

<sup>526</sup> See 14.09.2011, 33<sup>rd</sup> plenary session, PTK 33/2011vp, Government proposal to Parliament to approve the amendment to Article 136 of the Treaty on the Functioning of the European Union; 13.06.2012, 66<sup>th</sup> plenary session.

rejected rhetorically the TSCG in the name of democracy and requested a consultative referendum on EU membership<sup>527</sup>. However, VAS MPs voted in favour of the TSCG.

Additionally to ideological tensions between coalition partners, conflicts arose with opposition parties. Taking advantage of its strong representation in Parliament, the PS repeatedly denounced Finland's participation in the financial aids and used the increased media attention to ignite debates. The party accused the VAS and the SDP to disregard their electoral promises by supporting the ESM. Majority MPs would follow systematically the Government's position and ignore the opposition's opinion. PS MPs rejected systematically every decision related to financial packages, including the ESM and the TSCG. According to PS MPs, the ESM meant a transfer of parliamentary budgetary power to the EU level, which would lead to a loss of independence and a deterioration of Finnish democracy and sovereignty<sup>528</sup>. In the debates on the TSCG, PS MPs rejected the creation of an economic union and favoured a consultative referendum on any measures towards further integration in the Euro area<sup>529</sup>. Finally, the KESK rejected the ESM, but welcomed the TSCG. KESK MPs rejected the idea of a common EU budget that would impinge on the Parliament's budgetary competences. Contrary to PS MPs who rejected the treaties because of purely ideological considerations, KESK MPs seemed to follow a logic of political competition since they switched to opposition. The only common ground between majority and opposition MPs was their intergovernmental vision of the EU in terms of financial measures. Overall, MPs rejected the solidarity principle and the federalisation of the decision-making concerning financial measures.

Everything considered, the growing ideological gap between the PS and the rest of the parties, within the parties, as well as the general trend towards Euroscepticism in pro-European parties, fuelled polarisation and politicisation of EU issues. National interests seemed to matter more, because these European measures affected directly Finland's economic situation. Contrary to the Constitutional Treaty or the Lisbon Treaty, both ESM and TSCG triggered heated debates in Parliament, led mostly by Eurosceptic PS MPs. Consensus over EU politics broke even within the coalition. When the True Finns opposed the TSCG, the then Foreign Affairs Minister (SDP) joined the populists' position and described the treaty as "unnecessary and harmful" (Leino /Salminen, 2013).

### **Analysis of parliamentary involvement**

The economic crisis kept the Eduskunta particularly busy in the course of 2011. For instance, when the help package for Spain needed to be approved, the Parliament even convened during summer for the first time in fifty years<sup>530</sup>. Unlike the Constitutional Treaty or the Lisbon Treaty, the Constitutional Law Committee and the Finance Committee mainly handled the ESM

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<sup>527</sup> 14.12.2012, 130<sup>th</sup> plenary session, PTK 130/2012 vp, Proposal by the government to parliament on the approval of the treaty on stability, coordination and governance in the economic and monetary union and on the law enforcing its legislative provisions.

<sup>528</sup> See 13.06.2012, 66<sup>th</sup> plenary session.

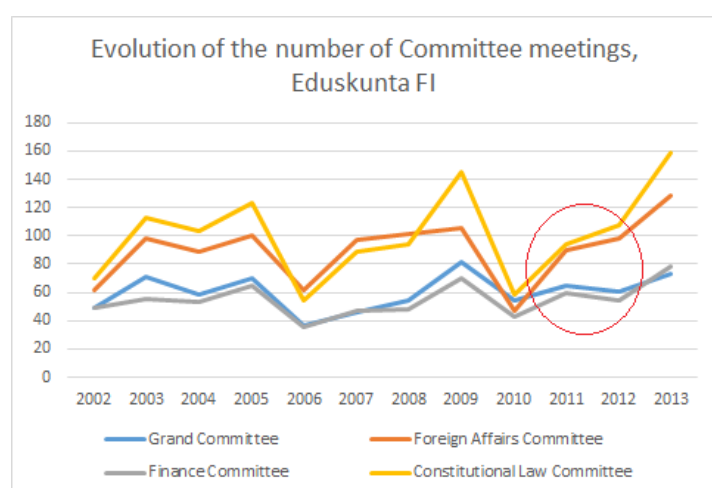
<sup>529</sup> 12.12.2012, Dissenting opinion 2, Report of the Finance committee, VaVM 38/2012vp – HE 155/2012vp, Proposal by the government to parliament on the approval of the treaty on stability, coordination and governance in the economic and monetary union and on the law enforcing its legislative provisions

<sup>530</sup> Parliament of Finland, Annual report of the parliamentary office, 2012.

and the TSCG. The GC and FA Committee were barely involved in the ratification procedures of both treaties, but their members were very active in plenary discussions on the economic crisis. Overall, the number of meetings on both the ESM and the TSCG remained low. Both treaties were handled in Parliament like any other national matter. The Constitutional Law Committee discussed the ESM and the TSCG respectively in 3 meetings in 2012. The focus lied on the unanimity principle in the decision-making procedures within the stability mechanisms. The committee insisted that unanimity voting guaranteed Finland's sovereignty and constitutional order (Leino/Salminen, 2013). The Finance Committee was busier and met respectively 5 times to handle the ESM and the TSCG. By looking at the table Y (see appendix 1), we see that the number of plenary discussions was substantially higher in the present situation than during the previous treaties. Indeed, MPs debated the ESM and the TSCG respectively in 5 plenary sessions. The intensity of the discussions reflects MPs' politicisation and mediatisation strategies of these issues. Overall, parliamentary activity remained lower than for the previous treaties. MPs seemed to be more interested in general economic issues than in the treaties themselves.

As mentioned above, the Finance Committee and the Constitutional Law Committee were mainly active in the scrutiny of both treaties. Therefore, the number of GC and FA Committee meetings will not allow to find a clear correlation between higher activity and the salience of these treaties. The graph hereunder shows that the number of GC and FA Committee meetings grew in 2011 and 2012, but the meetings' agenda were related to neither the ESM, nor the TSCG. The GC gave some opinions on the ESM to the Finance Committee, but most of GC members' activities related to the treaties happened in plenary. We also find that meetings of the Constitutional Law Committee grew substantially during the same period. The latter dealt repeatedly with constitutional issues during the economic crisis, which could explain this growth.

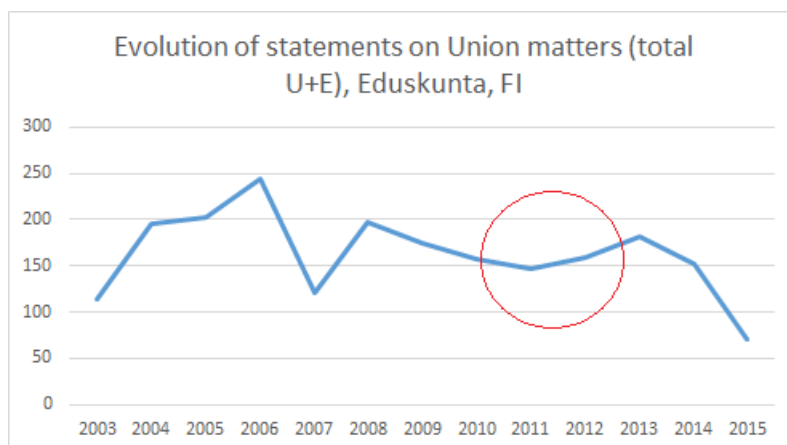
**Figure 77: Number of committee meetings in the context of the ESM and TSCG (in total), Eduskunta**



Source: Own calculations.

Overall, even though the economic crisis and the treaties were salient in Finland, MPs did not seem to translate their growing attention into higher parliamentary activity. Indeed, statements on Union matters barely grew in 2011-2012.

**Figure 78: Statements on Union matters in the context of the ESM and TSCG (in total), Eduskunta**



Source: Own calculations.

The same can be said from parliamentary questions on EU affairs. MPs did not seem to use this instrument often, as their number dropped drastically in 2011 (see figure 71). The parliamentary elections in 2011 can be at the origin of a halt to parliamentary activity. Moreover, after the elections, a large majority entered Parliament due to the large coalition that formed on the governmental level. Majority MPs supported their Government's measures and remained passive, even though some coalition partners expressed critical views on the ESM and the TSCG. PS MPs became active scrutinisers and used parliamentary instruments to criticise the Government. However, as PS MPs do not represent a substantial proportion of voices in parliament, their activity did not substantially affect parliamentary activity, as shown in the graph above. The table Z (see appendix 1) sums up the main scrutiny instruments used during debates on the ESM and the TSCG within the Eduskunta.

Overall, discussions in plenary on the economic crisis and specifically the ESM and the TSCG were led by GC members. Members of the FA Committee, the Constitutional Law Committee and the Finance Committee were the second most active in plenary. We discover that several MPs had double memberships in these committees, which probably facilitated their specialisation on the matter and thus their involvement in the debates. The table above shows in particular the players who used parliamentary instruments such as opinions or questions to scrutinise both treaties. Firstly, we observe that opposition MPs were almost the only initiators of scrutiny tools. Only once did a KOK MP submit a dissenting opinion in 2011 on the ESM. The latter treaty triggered more attention from opposition MPs than the TSCG. Indeed, aside from their committee membership, PS MPs were by far the most active scrutinisers, be it through parliamentary instruments or their participation in plenary debates. KESK MPs also scrutinised more the ESM than the TSCG, probably because the first was more salient than the second. An explanation could be that their position changed from one treaty to the other. Indeed,



they rejected the ESM but approved the TSCG. Thus, KESK MPs tended to criticise the Government's position on the ESM, while supporting the Government's position on the TSCG and therefore staying passive in Parliament. MPs' political positioning played a significant role in their involvement. PS MPs were the most active, followed by KESK MPs who took their opposition role seriously, even though they still positioned themselves as pro-Europeans. Majority MPs did barely use any scrutiny tool, because their strategy was to support the Government's line. We can also explain their passivity by the fact that the majority had control over the main responsible committees that dealt with the treaties. The chairs of the GC and the Constitutional Law Committee were from the SDP, while KOK MPs led the Finance Committee and the FA Committee. Government parties had thus considerable influence on the parliamentary agenda.

Ideological considerations did not always correspond to MPs' actions. While we can identify a clear opposition strategy among PS MPs motivated by their Euroscepticism, it was less clear for KESK MPs that were in the opposition but still positioned themselves as pro-Europeans. Moreover, among coalition partners, VAS MPs expressed critical views on the treaties, but still supported their coalition partners. Political strategies played a significant role for some parties, which positioned themselves on the treaties according to benefits that they could retrieve from their support to the coalition. Therefore, we can only partially validate sub-hypothesis H1.1 according to which MPs' involvement depended on their political ideologies. Sub-hypothesis H1.2 can be validated, because MPs' positioning on the political spectrum clearly influenced their involvement. Moreover, polarisation between parliamentary groups was clear on the ESM issue, as two distinct camps formed. This trend was less obvious in the case of the TSCG, as a majority of MPs approved the treaty. Compared to the Constitutional Treaty and the Lisbon Treaty, polarisation was present in the case of the economic crisis. Polarisation certainly pushed MPs to scrutinise the ESM, while it was less evident in the case of the TSCG and led to less parliamentary activity. We can say that group discipline was strong in both camps and certainly linked to ideological polarisation, which validates sub-hypothesis H1.3. Indeed, opposition MPs (both pro-European and Eurosceptic) and majority MPs stuck to their party's position on the economic crisis. The growing tensions forced opposition MPs to take their role seriously and majority MPs to support even more their government.

Even though the economic crisis was particularly salient in Finland, the ESM and the TSCG seemed to catch the attention of few MPs within Parliament. Indeed, apart from members in the GC, FA Committee, Finance Committee and Constitutional Law Committee, almost no other MPs participated in the debates. We can only partially validate hypothesis H2, because general awareness was high on the national level, but involvement in Parliament did not reflect it. One explanation could be the technicity and complexity of the treaties. Unlike the Constitutional Treaty and the Lisbon Treaty, plenary debates on the ESM and the TSCG were dominated by MPs from sectoral committees with a low level of seniority in Parliament. Most MPs came from the PS and exerted their first legislative period as of 2011. Contrary to senior MPs, newly elected MPs tended to follow a rational strategy in Parliament to attract voters' support for future elections. In their case, personal convictions played a minimal role, while political strategies in the name of electoral benefits were their main motivation. Therefore, without surprise, most key players were not professionalised, had no prior experience in the

government and did not participated in interparliamentary conferences. These MPs were less sensitised to EU affairs because of the absence of direct links with the EU level and had a domestic-centred approach when handling the treaties. Indeed, they used the ESM and the TSCG to emphasise national interests. Among the active GC and Finance Committee members, we can also observe that few were involved in the follow-up of previous treaties.

Trade union membership played only a limited and probably indirect role in MPs' involvement, especially for SDP MPs. Indeed, trade unions supported the SDP's position. However, as SDP MPs were not active scrutinisers, we assume that the trade unions' influence passed through MPs' discourses in plenary. As both opposition parties PS and KESK had barely any support from the trade union organisations, their scrutiny activities in Parliament did not reflect directly the opinion of the civil society. Rather, they counted on the support of the population.

Moreover, compared to the key players involved in discussions on the previous EU treaties, leadership positions played a significant role in the present situation. Indeed, group leaders belonged mainly to the opposition and to sectoral committees. As explained earlier in this chapter, group leaders needed to represent the opinion of their group or party in parliamentary debates. This is even more important for opposition groups as they benefit from less channels of influence. Additionally, several committee chairs participated in the discussions, mainly from sectoral committees. This could be indicative again that most MPs were interested in the impact of the treaties on the national policy fields.

To summarise, unlike the Constitutional Treaty and the Lisbon Treaty, the scrutiny of the ESM and the TSCG seemed to be dominated by sectoral committees, among them the Finance Committee. MPs with "Europeanised" profiles did not count among the most active players. Therefore, we cannot validate sub-hypothesis H2.1. GC members were the second most active players, but overall the seniority rate was very low. Instead of "Europeanised" profiles, we concluded that key players were mainly young, inexperienced but specialised MPs. They were more interested in electoral benefits and political competition than in EU affairs per se. The nature of MPs' incentives changed with the economic crisis due to different factors: the shift from a consensual to a more competitive political environment and the emergence of recently elected MPs with no prior political experience. As sectoral committee members became more active due to growing polarisation trends, we can validate sub-hypothesis H2.2, because "technicians" took the lead in a conflictual political environment.

Overall, parliamentary activity did not seem to be very high in the case of the ESM and the TSCG. Parliamentary instruments were used more often in the case of the ESM and mostly by opposition MPs. The TSCG did not seem to attract more attention. In both cases, majority MPs kept control over the discussions.

### *7.6.2 The ESM and the TSCG: an opportunity for institutional change in the Eduskunta?*

During the negotiations on the ESM and the TSCG, several discussions took place in Parliament to preserve the Eduskunta's budgetary competences. While no concrete procedural

revisions have been made, debates on budgetary powers started in 2010 and intensified in 2012. In December 2010, the Constitutional Law Committee submitted an opinion on several governmental reports linked to financial measures, highlighting the need to safeguard Parliament's ex-ante information rights<sup>531</sup>. The same argument was repeated in the Finance Committee's opinion on 10<sup>th</sup> December 2010<sup>532</sup>, the Constitutional Law Committee's opinion on the ESM on 14<sup>th</sup> June 2011<sup>533</sup> and the GC's opinion on 17<sup>th</sup> June 2011<sup>534</sup>. There was no particular pressure on parliamentary reforms, because consensus prevailed once again among all groups that Parliament's budgetary rights needed to be preserved. Therefore, majority MPs who chaired these committees kept control over potential scrutiny amendments.

The analysis of the profile of "political entrepreneurs" of change was not easy, as minutes of committee meetings were not available. Therefore, we base our observation on plenary debates that handled the treaties, where MPs mentioned the preservation of the Eduskunta's budgetary powers. Just as in the previous part on parliamentary activity during the economic crisis, we observe that most key players came from sectoral committees, followed by the GC and the FA Committee. Finance Committee members were the most numerous ones, probably because their competences were more appropriate to handle the matters. Some MPs had double memberships in the GC and Finance Committee and could use their expertise in both committees.

This time, senior MPs were more involved in the discussions, even though the proportion of active "young" MPs remained high. Recently elected MPs engaged in discussions on the Parliament's scrutiny system to leave a political mark and publicise the matter in plenary debates. Senior MPs came from the biggest mainstream parties and belonged to the majority. However, both opposition and majority MPs were equally involved in the debates on Parliament's scrutiny rights. Only few senior MPs had a prior experience in government. They belonged to majority parties, which could mean either that they represented their government's position, that they wanted to distinguish themselves politically or that they were motivated by personal convictions. For instance, an interviewee from the KOK group who was already very active during the previous treaties was also chair of the Finance Committee at that time (Interview 10b, 2018). His extensive political career within the Eduskunta, his participation in the preparation of Finland's EU accession and in the discussions on the Constitutional Treaty and the Lisbon Treaty, his membership in the 2004 EU-review committee and his participation in multiple interparliamentary conferences makes him the prime example of the EU expert

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<sup>531</sup> 08.12.2010, Opinion of the Constitutional Law committee, PeVL 49/2010vp – U 34/2010vp, E 86/2010vp, Government's statement on the European Commission's legislative proposals to improve coordination of the economic policies of the European Union and the euro area; Government report on possible changes to the constitution needed to enhance economic policy co-ordination

<sup>532</sup> 10.12.2010, Opinion of the Finance Committee, VaVL 8/2010vp – U 34/2010vp, E 31/2010vp, E 86/2010vp, E 90/2010vp, Government's statement on the European Commission's legislative proposals to improve coordination of the economic policies of the European Union and the euro area ; Government report on Finland's position on the work of the Van Rompuy working group and the Commission Communication on closer coordination of economic policies ; Government report on possible changes to the constitution needed to enhance economic policy co-ordination ; Government report on government restructuring of government debt

<sup>533</sup> 14.06.2011, Opinion of the Constitutional Law committee, PeVL 1/2011vp – U6/2011vp, Government Statement on a draft amendment to the European Stability Mechanism (ESM)

<sup>534</sup> 17.06.2011, Opinion of the GC, SuVL 2/2011vp – U 5/2011 vp, U 6/2011 vp, E 13/2011vp, Financial crisis management and crisis management tools EFSF and ESM

driven by a deep interest for EU affairs. To sum up, while professionalised senior MPs were motivated by personal beliefs forged through their extensive political career and prior professional experience, “young” MPs wanted only to attract their voters’ attention.

In December 2011, the GC, the Constitutional Law Committee and the Audit Committee reiterated the need to inform the Eduskunta on decisions taken in the ESM board of governors<sup>535</sup>. These opinions stated that the Government needed to develop its information policy towards the Parliament in order to safeguard the latter’s constitutional rights. The cooperation between parliament and government was also at the centre of the GC’s attention in 2012. The committee argued that Euro-summits needed to be better prepared through timely information from the Prime Minister. Opposition MPs also repeatedly emphasised these points in dissenting opinions, criticising the fact that the ESM and the TSCG would accelerate the transfer of budgetary competences to the EU level. The PS also questioned repeatedly the constitutionality of the treaties in dissenting opinions accompanying positions of the Constitutional Law Committee (Leino/Salminen, 2013). The latter concluded that the Government needed Parliament’s prior approval for any new financial obligations.

The Audit Committee examined the government report on the ESM in May 2012 and concluded that Parliament needed to receive annual governmental reports on the ESM<sup>536</sup>. In July 2012, private persons submitted several complaints to the Chancellor of Justice and the Parliamentary Ombudsman, querying the Government’s consistent information policy towards the Eduskunta in the case of the ESM<sup>537</sup>. The Chancellor of Justice concluded that Parliament obtained overall the necessary information on the ESM. According to an interviewee (Interview 2b, 2018), the ruling did not affect parliamentary work, because the Government corrected the inaccuracy on its own initiative. MPs agreed that the lack of information was unintentional and due to time pressure. However, the complaint might have encouraged the National Audit Office to produce an additional report on Parliament’s access to information on the ESM<sup>538</sup>. The Audit Office reflected on ways to improve the cooperation between the Eduskunta and the Finance Ministry, suggesting that Parliament needs to receive more systematically confidential written information on budgetary and financial issues.

In the same line of thought, the GC underlined the necessity to “guarantee the Eduskunta the powers of supreme organ of state also in respect of EU policy formulation” in the framework of Article 13 TSCG<sup>539</sup>. The GC criticised the undemocratic arrangement of the Article 13

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<sup>535</sup> 21.12.2011, Opinion of GC, SuVL 9/2011vp – E99/2011 vp, Government report on guidelines for the use of the European Financial Stability Facility

<sup>536</sup> 30.05.2012, Opinion of the Audit Committee, TrVL 5/2012 vp – HE 34/2012vp, Government proposal to parliament to approve the agreement establishing the European Stability Mechanism (ESM) and to transpose its legislative provisions

<sup>537</sup> 10.10.2012, To the Government of the Republic of Finland on ESM’s creditor’s subordinate status; Approval of the ESM agreement and the Spanish loan program, OKV / 975/1/2012 <https://www.okv.fi/fi/ratkaisut/id/177/> + 10.10.2012, Parliament did not mislead the ESM treaty, <https://www.okv.fi/fi/tiedotteet-ja-puheenvuorot/408/eduskuntaa-ei-johdettu-harhaan-evm-sopimuksen-kasittelyssa/> (last accessed 26.07.2019)

<sup>538</sup> Audit reports of the National Audit Office, 16/2012, Parliament’s access to European financial stabilization arrangements, fiscal policy audit report

<sup>539</sup> STATEMENT OF THE GRAND COMMITTEE 4/2012, Parliament of Finland, Banking Union and the Future of EMU

conference and pleaded for reinforced parliamentary power and influence on governmental positions in the Council.

In conclusion, both majority and opposition defended improved parliamentary rights in the framework of the economic crisis, but to different degrees and with different arguments. Both agreed that the parliamentary budgetary powers should be preserved. Unlike the treaties themselves that fuelled tensions between governmental and opposition parties, positions were similar and somewhat consensual on the Eduskunta's participation rights. The main reason of this large consensus despite tensed political relations on the treaties could be the shared normative perception within parliament that the Eduskunta's scrutiny system should base on a strong domestic-based government control.

However, even though the ESM and TSCG were salient on the domestic level and triggered heated debates within the opposition, most opinions turned out to be suggestions with minor practical adjustments that did not require RoP amendments. Therefore, we cannot validate hypothesis H3 according to which a higher salience of EU issues led to more procedural revisions within parliament. MPs and national bodies merely repeated the need for the Government to inform Parliament on EU matters related to financial measures. This illustrates one more time the general perception that the Finnish scrutiny system counts among the strongest in the EU and does not need substantial reforms.

### *7.6.3 Conclusion*

This section explained parliamentary involvement in the Eduskunta in the context of negotiations on the ESM and the TSCG. These treaties triggered differentiated attention and activity within Parliament. Indeed, parliamentary activity seemed to be higher during discussions on the ESM than on the TSCG. A reason could be the growing polarisation between the coalition partners and the main opposition party PS. The latter used particularly the ESM to criticise the Government's support of financial measures on the EU level. Their anti-EU discourses aimed to gain popular support through the politicisation of the matter. Majority MPs participated in parliamentary debates, but abstained from criticising their government. Even the VAS, which usually expressed doubts about EU policies and still did it during the economic crisis, supported the Government's position. The artificial consensus within the majority followed a logic of political solidarity towards a virulent opposition. Indeed, scrutiny tools were used only by the two opposition groups KESK and PS, the latter being primarily active. Their strategy consisted in making their opinion visible within parliament to face a government that dominated the national decision-making in EU affairs. Within-group solidarity was thus observable in the opposition, whose parliamentary activity was motivated by political competition and ideological differences. Therefore, group discipline was strong in both the majority and the opposition, contrary to the previously analysed treaties.

The analysis of the used scrutiny tools and plenary debates shows that the circle of active key players was very different from the other treaties, contrarily to what we observed in Austria and Luxembourg. Indeed, a large proportion of active MPs came from the opposition and from

sectoral committees, mainly the Finance Committee and the Constitutional Law Committee. GC members were the second category of most active players, among them a substantial amount of PS MPs. The profile of the “expert” MP in financial and constitutional questions dominated parliamentary activity on both treaties. Their main sociological features were their recent mandates in parliament, which underlined their absence of professionalisation within parliament, as well as their domestic-centred interests, which translated into an instrumentalisation of the treaties for electoral purposes. Only senior MPs had similar profiles observed in the previous sections and can be considered as “Europeanised” and “socialised into EU norms”.

The ESM and TSCG did not trigger any substantial procedural revisions within the Eduskunta, even though constitutional questions related to Finland’s sovereignty reappeared in MPs’ discourses. Consensus reigned on the need to preserve Parliament’s budgetary powers. This can be directly linked to the general opinion among majority and opposition MPs that Member States should keep most of their competences in an intergovernmental decision-making process. In this framework, national parliaments should remain the main actors of EU policy. As the Eduskunta perceives itself as one of the strongest parliaments in the EU in terms of formal capacities and control of the Government’s EU policy, MPs did not see the necessity to reform procedures and structures. The information policy was slightly adjusted by the Government itself. Institutional change was thus non-existent during the economic crisis.

## 7.7 Summary and conclusion

This chapter explained parliamentary involvement in Finland in the context of several EU and intergovernmental treaties. The outline of the institutional framework showed that the Eduskunta established just before Finland’s EU accession a strong scrutiny system based on ex-ante participation rights and strong cooperation with the Government. However, the scrutiny system and infrastructure barely changed since 1994. One main reason is the Eduskunta’s general perception that the scrutiny system is one of the best in the EU and does not need any revision. This was reflected in the minor reforms undergone after almost each treaty: changes affected only minimally parliamentary work. Moreover, we observed that parliamentary activity on all studied treaties was not particularly significant, because they were handled as any other matter within Parliament. Only the economic crisis and the sudden popularity of the True Finns since the 2011 elections led to higher polarisation and politicisation of EU issues in Finland. Within Parliament, these trends affected parliamentary work on the ESM, but not on the TSCG. While consensus on EU politics prevailed before 2011, parties became more sceptical and split on this issue after the parliamentary elections. Hereafter, we will sum up the findings of each hypothesis and sub-hypotheses.

The analysis of parliamentary activity in the context of each treaty showed that the Constitutional and Lisbon treaties were not the only triggers that led to more activity. Especially in those cases, aspects of the treaties were transformed into domestic priorities, which overtook MPs’ attention. Moreover, some treaties such as the Constitutional Treaty or the ESM were salient in Finland, but parliamentary activity remained nonetheless rather low. Due to Finland’s

highly consensual political system and its large coalitions, polarisation was very limited until 2011. Therefore, parliamentary activity was not primarily linked to the competition level and ideological gaps between parties (H1).

Overall, we can say that party dynamics and the relation between the Government and Parliament played a significant role in MPs' involvement. However, political ideologies had a nuanced impact. Indeed, pro-European and Eurosceptic MPs had dispersed opinions on the Constitutional Treaty. Several MPs belonged to pro-European majority parties, but rejected the treaty and did not follow their party's voting instructions. Group discipline was reinforced during the follow-up of the Lisbon Treaty. The economic crisis showed clear ideological cleavages between opposition and majority, but less between pro-Europeans and Eurosceptics. Indeed, pro-European parties started to become more sceptical about financial help packages, even those within the coalition. The Government's legitimacy in the management of the crisis was threatened by a virulent opposition, which could explain why coalition partners stuck to an artificial consensus despite growing ideological divergences. Overall, ideological considerations played a blurred role in MPs' involvement, so that we can only partially validate sub-hypothesis H1.1.

In the same line of thought, we could not always correlate MPs' positioning on the political spectrum with their involvement in parliament. Indeed, majority and opposition were most of the time equally involved in the discussions. Moreover, during negotiations on the Constitutional Treaty, single MPs from both the majority and the opposition deviated from their party's position and voted differently on the treaty. However, group discipline became stronger during the follow-up of the Lisbon Treaty and especially during negotiations on the ESM and TSCG. An explanation could be the growing tensions between the coalition and the opposition, especially the PS, which forced both camps to reinforce their internal cohesion to face unusual political competition. Therefore, we can only partially validate sub-hypothesis H1.2. Factors that could explain such behaviour are the electoral system favouring individual profiling instead of party discipline, as well as the evolution from consensual dynamics on EU policies to increased competition between majority and opposition since 2011 due to the abrupt emergence of the True Finns.

Before 2011, the large consensus between government and parliament on EU politics did not fuel any important political tensions. However, the True Finns started to publicise their Eurosceptic stance after 2011, contributing to the polarisation of opinions between and within parties. For the first time since Finland's EU accession, the consensus on EU affairs and Government's authority on EU policy was overtly challenged by a more powerful Eurosceptic opposition group. Polarisation was noticeable on the ESM, but less on the TSCG. Indeed, mainstream parties started to raise sceptical voices on EU issues within their ranks. Accordingly, group discipline became stronger the more the political environment became conflictual. Sub-hypothesis H1.3 is therefore validated.

The second hypothesis focused on mainstreaming trends within the Eduskunta, influenced by formal capacities, MPs' profiles and their awareness of EU affairs. The two last criteria are closely linked to MPs' position on European integration, their ideological and political positioning on the domestic level and in parliament. Even though the Eduskunta's



procedures and infrastructure have been designed to encourage decentralisation of EU affairs, parliamentary work in practice does not always reflect it. We can only partially confirm hypothesis H2. Overall, mainstreaming was certainly facilitated by the Eduskunta's formal capacities, but was not reflected in the actual scrutiny of the treaties. In fact, MPs' general awareness about EU affairs was rather limited until the economic crisis. Other domestic issues had priority over the Constitutional Treaty and the Lisbon Treaty. In addition, the fact that all treaties were handled like any other matter in Parliament did not help raise attention. The situation changed after 2011 due to the active involvement of the True Finns, both in Parliament and in the media. They openly criticised the financial help packages and the Government's measures.

Even though awareness grew due to the instrumentalisation of the crisis for domestic political purposes, the involvement level among MPs remained circumscribed. However, we cannot clearly say that MPs with "Europeanised" profiles were the most active players for all treaties. Even though it was the case for the Constitutional Treaty, other players scrutinised more actively the Lisbon Treaty, the ESM and the TSCG. Especially in the context of the economic crisis, opposition PS MPs with Eurosceptic stances and a membership in sectoral committees (Finance Committee) were the most involved. Therefore, sub-hypothesis H2.1 can only be partially validated. One main reason could be the competence distribution between committees. For the Constitutional and Lisbon Treaty, institutional questions prevailed and fell into the interest and competences of EU professionals in the GC and Constitutional Law Committee. However, the ESM and TSCG fell directly into the competences of the Finance Committee. On top of that, the newly elected Eurosceptic True Finns used the matters to promote their populist discourses, while debates on the Constitutional Treaty and the Lisbon Treaty were dominated by pro-European MPs from large majorities. The more the ideological gap grew between parliamentary groups, the more MPs from sectoral committees with less knowledge on EU affairs engaged in scrutiny activities. Sub-hypothesis H2.2 is thus confirmed.

Finally, we checked how institutional change depended on the salience of the treaties and their legal provisions on parliamentary participation in EU affairs (H3). We concluded that the extent of institutional change did not always correspond to the salience level of the treaties. While we can confirm that the Constitutional Treaty led to procedural revisions in Parliament, it is less obvious in the case of the Lisbon Treaty. Moreover, the economic crisis triggered some discussions on the Eduskunta's budgetary powers, but no substantial revisions were undergone. One main reason could be the general perception within the Eduskunta (shown in most interviews) that the scrutiny procedures count among the best in the EU and do not need to be substantially changed (H3.1). Finnish MPs were the least involved in institutional change, because they were particularly satisfied with their EU scrutiny system. Moreover, the Eduskunta and Finnish MPs in particular have a quite intergovernmentalist vision of the EU, including a strong opinion on the fact that national parliaments should keep most of their competences in the European decision-making process. This strong normative perception of Eduskunta's role did not push MPs to question fundamentally the current formal capacities.

Using both Sociological Institutionalism and the Theory of Endogenous Institutional Change (HI), we explained how procedural revisions stemmed from MPs' motivations,

themselves influenced by the context of treaty negotiations. We observed that within the Eduskunta, consensus instead of competition seemed to prevail in the discussions on institutional revisions. This calls into question the argument of the Theory of Endogenous Institutional Change, according to which actors would be driven by strategical and competitive motivations to trigger change. Instead, Finnish MPs, both from the majority and the opposition, pushed reform debates because they reinterpreted the normative role of their parliament, just as in Luxembourg. The strong consensual belief that Parliament possesses one of the most accomplished scrutiny system in the EU is the prevailing normative perception in Finland and dampened any attempts to revise it. Therefore, we can best explain the motives of change within the Eduskunta through Sociological Institutionalism. Indeed, MPs' beliefs about the role of their parliament shaped their involvement and the way they conceived institutional change.

The Theory of Endogenous Institutional Change helped explaining how actors interacted together to make that change happen. We identified "political entrepreneurs" that led the discussions, especially in the context of the Constitutional and Lisbon treaties. These MPs had an extensive "Europeanised" experience and appeared to be professionals socialised into European norms. Their experience probably legitimised them to lead the revisions. In the case of the economic crisis, entrepreneurs of change were more scattered. We could not clearly identify profiles of reform "leaders". However, the True Finns were particularly active in pointing out the need to secure Parliament's sovereignty and budgetary competences. Parliamentary culture was thus an important factor of change, just as in the case of parliamentary activity (H3.2).

Finally, based on the Theory of Endogenous Institutional Change, we identified two different trends of change within Parliament. Indeed, just as in Luxembourg and Austria, "layering" happened also in the Finnish Parliament between 1994 and the Lisbon Treaty. Parliament added minor changes to its scrutiny system. Revisions came to a halt in the context of the economic crisis. Moreover, MPs were very reluctant to change some aspects of their system, such as MEPs' participation in the Eduskunta's work. The large consensus on Parliament's role in the EU and the majority's influence on institutional change limited considerably the scope of change. Therefore, "drift" also characterises institutional change within Parliament, especially in the context of the Constitutional Treaty and the economic crisis (ESM/TSCG). According to the Theory of Endogenous Institutional Change, "drift" means that actors deliberately chose not to change rules despite their changing institutional environment (Streeck/Thelen, 2005, p.57). Therefore, we can only partially validate sub-hypothesis H3.3, because institutional change in the Eduskunta happened through "layering" and "drift".

To conclude, we can say that the government-parliament relation, in particular party dynamics, and the general Finnish perception leaning towards an intergovernmental EU affected the most parliamentary involvement in EU affairs. Parliament's awareness about its strong formal capacities affected its involvement and the direction of institutional change. The Eduskunta was always kept informed on the treaties and controlled narrowly the Government's position. Above all, whether MPs were in the opposition or in the majority and whether they maintained consensual or competitive relations on EU affairs determined largely how they scrutinised the treaties. Even though single MPs stood out from the rest because of their higher

sensitisation to EU affairs and their “Europeanised” profiles, we drew the conclusion that their positioning on the political spectrum and the level of competition between parties determined even more prominently parliamentary involvement.

## Chapter 8. Comparative assessment of parliamentary involvement during EU and intergovernmental treaty negotiations

The present chapter seeks to explain differences and similarities in parliamentary involvement across the three studied parliaments. To do so, we will focus on the following leading question: What are the determinants of parliamentary involvement during EU and intergovernmental treaty negotiations in all three countries? What explains the behavioural variations? In the introduction of the present thesis, we stated that the Luxembourg Chamber of Deputies, the Austrian National Council and the Finnish Eduskunta were similar in terms of their small size as well as the neocorporatist and consociational systems in which they were embedded, even though this argument can be questioned for Austria after 2005 and Finland after 2011. Differences between the cases lied in their EU accession and the formal parliamentary capacities. Based on these initial assumptions, we will check first to what extent parliament's institutional framework influenced parliamentary involvement. Then, we will compare their formal capacities and their parliamentary activity in EU affairs. By doing so, we will integrate the motivational aspect in our analysis. Finally, we will analyse how far they changed their scrutiny system to adapt to the developments following each treaty. While the first hypothesis H1 on polarisation will be tested in the first and third sections, the second hypothesis H2 can be tested in the second and third sections. We will check hypothesis H3 in the third and fourth sections.

### 8.1 Evolving institutional contexts as predetermining factors of parliamentary involvement: differences and similarities

We assume that the most important factors that influenced parliamentary involvement during EU and intergovernmental treaty negotiations were the nature of the political systems and each parliament's perception of European integration.

#### *8.1.1 Consociational vs post-consociational political systems: a comparative assessment of the impact of the nature of political dynamics on parliamentary involvement*

We observed that the three countries in which our cases are situated had to some extent similar political systems, but that this changed in the course of the period under analysis (2004-2015). The fact that all three countries have coalition governments reinforces even more the effect of consensual practices on parliamentary involvement. Indeed, supporting the majority's line might be a strategy for parties to accede to future government formations. Consensus might also be a tactic to increase a state's influence on EU decisions through unanimous positions shared by parliament and government.

Luxembourg maintained its highly consensual political system throughout the negotiation processes, even though some parties such as the ADR took their opposition role

more seriously after the referendum on the Constitutional Treaty in 2005. Indeed, we could not observe sharp conflicts between the parliamentary groups. The only moments of increased political tensions appeared during the campaign on the referendum, when a committee for the “No” formed on the national level, and during the debates on the TSCG, when Déi Gréng joined the ADR and Déi Lénk to reject the treaty. Overall, these positions had only a limited impact on the consensual practices within Parliament, because dissident parties represented only a minority. Sometimes, critical discourses did not reflect the final parliamentary vote, as it was the case for the DP during discussions on the TSCG. The party expressed an overtly sceptical opinion on the treaty, but still voted for it. Parliamentary groups’ behaviour within Parliament was thus not always straightforward. Debates did not show harsh conflict lines on the treaties.

The situation was different in Austria over the same period. Until 2005, while the FPÖ was in the majority, political parties expressed consensual positions on EU affairs and the Constitutional Treaty. However, the FPÖ’s internal tensions and split in 2005 changed the political landscape. From then on, the party was relegated to the opposition and adopted more critical views towards European integration, systematically rejecting the Lisbon Treaty, the ESM and the TSCG. The economic crisis represented an additional step towards a more competitive system, with growing tensions within the SPÖ-ÖVP coalition as well as between the majority and the Greens. The latter rejected the TSCG.

In Finland, consensus over EU affairs was quite large until the economic crisis. Before 2011, the PS was not an influential opposition party and coalitions consisted of large majorities, sometimes including partners with sceptical positions on European integration. After 2011 and the emergence of the PS on the political stage, consensual practices were challenged by growing tensions between the majority and opposition. The PS expressed harsh criticism towards the Government’s EU policy and used the ESM and TSCG to reinforce anti-EU sentiment among the population. Subsequently, group discipline also changed. While single MPs disagreed with their party’s line during negotiations on the Constitutional Treaty and the Lisbon Treaty, the growing political competition forced both the majority and opposition to stay united and reinforce group discipline.

In the end, Luxembourg’s political system remained consensual and consociational because of the ideological proximity of political parties and thus the absence of ideological conflicts between them, as well as the incapacity of the sovereignist party ADR to establish itself as strong political opponent against the coalition. Therefore, the Luxembourgish Government had no serious competitor and influenced the discussions through its majority in parliament. Austria’s and Finland’s political systems shifted from consensus to political competition. The following table sums up the evolution of each country’s political system, applied to EU affairs.

**Table 20: Evolution of each country's political system**

Countries Treaties			
	Luxembourg	Austria	Finland
<b>Constitutional Treaty</b>	Consociational	Consociational	Consociational
<b>Lisbon Treaty</b>	Consociational	Post- Consociational/Competitive	Consociational
<b>Economic crisis (ESM, TSCG)</b>	Consociational	Post- Consociational/Competitive	Post- Consociational/Competitive

Source: Own classification.

External events such as EU treaties and intergovernmental treaties on the EMU, combined with the emergence of strong Eurosceptic opposition parties, triggered political tensions and forced mainstream parties to reflect about their own strategies. We can notice that the more the party dynamics of the country became competitive, the higher parliamentary activity was, and the more coalition policies were challenged within parliament. On the one hand, competitive and post-consociational environments, notably in Austria after 2005 and in Finland after 2011, led to higher polarisation between parties and thus to higher activity, at least on the side of treaty opponents. On the other hand, in Luxembourg, in Austria before 2005 and in Finland before 2011, the large consensus on EU affairs led to passive reactions from parliamentary players, because they were widely supporting their government's EU policy. Through this passivity, government parties could take control of the discussions on the EU.

However, these trends cannot be applied strictly to institutional change within these parliaments. Without surprise, consensual practices between majority and opposition party groups prevailed in Luxembourg because of the necessity to reinforce parliamentary scrutiny rights. In Austria, revisions of the scrutiny procedures took place in an environment that was both consensual and competitive. Indeed, in the context of the Constitutional Treaty and the Lisbon Treaty, RoP and constitutional amendments were largely accepted by both the majority and the opposition, even the FPÖ and BZÖ. However, revisions in the context of the economic crisis obeyed political competition. Firstly, the Greens exchanged their support for the ESM in return of the coalition's promise to initiate amendments to the National Council's participation rights in EU affairs. Secondly, the FPÖ rejected any further amendments as a clear sign of discontent towards the Government's management of the crisis. Finally, in the Eduskunta, amendments of the scrutiny procedures did not lead to any particular political tensions during the whole period under analysis, even though the PS harshly criticised the ESM and TSCG.

Therefore, in light of these elements, we can state that the more consensual a political system was, the more parliamentary involvement depended on personal motivations and sociological factors. Reversely, the more competitive and polarised a political system was, the more parliamentary involvement originated from rational strategies and political factors in a bid to gain popularity and attract voters' support. The changing nature of countries' political dynamics affected parliamentary involvement in the sense that MPs steered their behaviour according to government-parliament relations, the extent of party competition, their positioning

on the majority-opposition spectrum and their ideological positioning towards European integration.

### *8.1.2 A differentiated perception of European integration and the role of national parliaments*

Another factor that affected MPs' involvement in the follow-up of EU and intergovernmental treaties was clearly their position towards European integration and the role that their parliament should play within the EU. Their opinion can be explained by their party affiliation, i.e. whether they belong to a pro-European or Eurosceptic party, as well as their country's perception of European integration itself, dependent on the moment of their EU accession. Firstly, the three countries joined the EU at two different moments. Luxembourg counts among the founding countries of the EU. The elite's common understanding of European integration is that the EU is inseparable from Luxembourg's economic and political development. As a small state, Luxembourg is highly dependent on other countries' decisions and uses the European level to endorse a role of arbitrator. All parties in Luxembourg defend a pro-European position, even the ADR. That is why the latter cannot be considered as a Eurosceptic party, but rather as a sovereignist party, because it defends an intergovernmental vision of the EU while the rest supports federalisation trends. All parties also agree that the Chamber of Deputies should have strong participation rights in EU affairs, but also that the role of the European Parliament should be strengthened as a sign of deeper European integration.

These elements support our previous arguments about Luxembourg and consociationalism. Consensual practices prevail especially in EU affairs, because the assurance of Luxembourg's unanimous position on the EU level guarantees its effective influence. Large majorities supported the treaties and parliamentary debates were not conflictual, despite disagreements from some opposition parties. Despite growing tensions and scepticism towards the EU in the context of the economic crisis, most parties still supported European integration. For instance, due to its strong pro-European identity and its support of European solidarity, the DP still voted in favour of the TSCG even though the party criticised it. Within the Chamber of Deputies, we could not observe a clear pattern of parliamentary involvement dependent on political ideologies on European integration, certainly due to the common understanding that EU affairs should be consensual. Indeed, while the majority and opposition were equally involved in the scrutiny of the Constitutional Treaty, pro-European opposition MPs were more active during the Lisbon Treaty and sceptical opposition MPs were more active during the economic crisis.

Austria and Finland joined the EU in 1995 and have a different perception of European integration than Luxembourg. Both were first members of EFTA, respectively from 1960 and 1986 until 1995. Austria's motivation to move closer to the European Community was the perspective of economic benefits, especially for its SMEs. Due to its historical past and its geographical position, the country saw the EU accession as a means to reinforce above all its crumbling economy. Finland multiplied regional cooperation initiatives in the 1960s and 1970s in an attempt to ensure peace and stability in Northern Europe in a context of the Cold War.



Finland's geographical position between the Soviet Union and Western Europe forced the country to stay neutral and maintain only commercial relations with the EC. When the Soviet Union collapsed, Finland followed the initiative of Austria and Sweden to apply for EU membership. Therefore, contrary to Luxembourg, both countries joined the EU quite late and had to adapt very quickly to the "acquis communautaire". The historical past of both countries explains why their political elites express mitigated opinions about European integration. Since their EU accession, Austria and Finland sought to protect their neutrality and their sovereignty. Even though most political parties support European integration, they conceive it in a rather nationalist and intergovernmentalist way. Structured cooperation between Member States is preferable to federalisation. These general positions are also reflected in their way to conceive normatively the role of their parliament in the EU. Indeed, there is a strong belief among Austrian and Finnish MPs that parliamentary scrutiny in EU affairs should focus on government control, i.e. the national level rather than the EU level. Moreover, MPs from both countries are quite reluctant towards the interference of the EU level with their parliamentary work, especially in the Finnish Eduskunta. The best example is the sceptical position of the Eduskunta and to some extent the National Council towards MEPs' participation in parliamentary discussions and the subsidiarity monitoring mechanism. Additionally, the Eduskunta is also reluctant towards interparliamentary cooperation, because the focus of Finnish MPs should be the scrutiny of their national government's EU policy.

In Austria, when the FPÖ participated in the coalition with the ÖVP until 2005, positions on European integration were quite consensual and supportive. The FPÖ somewhat supported the EU. For instance, in its electoral programme in 2002, the party was in favour of the creation of a European social model, as well as EU enlargement if the criteria were respected by the candidate country<sup>540</sup>. The fact that the FPÖ was in the coalition with the "European Party" ÖVP<sup>541</sup> might have tamed the party and encouraged it to support more European friendly positions. These elements probably explain why the FPÖ voted in favour of the Constitutional Treaty in 2005. The opposition, which was constituted at that time of the pro-European parties SPÖ and the Greens, also supported the government's EU policy and the Constitutional Treaty. After 2005, when the FPÖ split and opted for a change of course on EU affairs, we can clearly identify ideological polarisation between pro-European parties and the Eurosceptic FPÖ. From that moment on, the party systematically rejected the treaties and was clearly more involved in parliamentary discussions than other parties. The pattern of parliamentary involvement in the National Council was thus clearer after 2005. During discussions on the Constitutional Treaty, pro-European opposition (SPÖ, Greens) was more active, but did not use the scrutiny instruments to criticise the Austrian Government. Eurosceptic opposition MPs from the FPÖ were mainly active during the Lisbon Treaty, the ESM and the TSCG. Without surprise, they used the parliamentary arena to express their discontent towards the government after their ideological turnaround in 2005.

The Finnish political landscape changed between 2003 and 2015, but parties with pro-European tendencies dominated the stage until 2011. Coalitions were usually formed of the

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<sup>540</sup> FPÖ, Programm 2002, Wir gestalten Österreich mit Sicherheit

<sup>541</sup> Das Österreich-Programm der Volkspartei, 2002

biggest mainstream parties, such as KESK, SDP or KOK. Large coalitions and their majority in the Eduskunta outnumbered Eurosceptic opposition MPs from the KD, VAS and PS. The low influence of Eurosceptic MPs, the high proportion of pro-Europeans in both the opposition and the majority, as well as the large consensus on EU affairs before 2011 led to similar patterns of involvement as in Luxembourg during discussions on the Constitutional Treaty. Both pro-European majority, pro-European and Eurosceptic opposition MPs were equally involved in the debates. This could be explained by the fact that in a consensual system, individual MPs tend to make abstraction of their positioning on the political spectrum and get involved because of personal and ideological motivations. This means that single majority MPs scrutinised their government, even though they should show support. However, unlike in the Luxembourg Chamber of Deputies where MPs from both political sides agreed on the government's EU policy, single Finnish MPs from the majority showed divergent opinions. A reason could be the loose party discipline caused by the individualistic electoral system that was encouraged by the lack of strong opposition to the government, allowing dissident views without fearing political consequences.

Discussions on the Lisbon Treaty showed again that pro-European opposition and majority MPs dominated the stage, even though Eurosceptic opposition MPs submitted the most scrutiny tools. Indeed, the latter represented a minority compared to pro-European MPs. The situation changed drastically after the parliamentary elections in 2011. The PS gained substantial political power within the Eduskunta and could have accepted a coalition formation with the KOK and SDP. The Eurosceptic party stayed in opposition and a large six-party coalition formed to counteract the PS. Within parliament, political dynamics changed subsequently. Contrary to the previous treaties, Eurosceptic opposition MPs dominated the parliamentary arena during debates on the economic crisis and overtly criticised the Finnish Government. Indeed, when we analyse the speaking time of each party during plenaries on the ESM or the TSCG, we observe that PS MPs took the floor more often than other parties. Reasons could be the electoral salience of the crisis for the PS, which used plenaries to reach out to their voters; the absence of clear limitation of the speaking time, which gave the PS the opportunity to express itself extensively; finally the strength of the PS in parliament, which represented the third-largest force after the KOK and SDP and provided the party with privileges in terms of speaking time in plenaries. To sum up, the nature of parliamentary involvement changed due to the emergence of the PS, a higher political polarisation between coalition MPs and the PS and thus the disappearance of the long-term consensual atmosphere prevailing on EU affairs.

### *8.1.3 Conclusion*

This first section showed that the nature of the political system itself and party dynamics, as well as ideological orientations on European integration, substantially affected MPs' involvement during negotiations on the studied treaties. While consensual systems limited parliamentary activity in the sense that MPs remained passive in the use of scrutiny tools and systematically supported their government, competitive or post-consociational systems fuelled

higher parliamentary activity, especially on the side of the opposition. A more aggressive Eurosceptic opposition, that sought to attract voters in a bid to gain popularity for the next legislative elections, challenged the governments' EU policies in Austria and Finland. These observations support the argument of Gava/Sciarini/Varone (2017) according to which the "less intrusive scrutiny [of non-Eurosceptic governing parties] may seek to avoid a ministerial drift in EU matters [...] to strengthen the bargaining position of the government at the EU level and to protect the government from Eurosceptic parties" (Gava/Sciarini/Varone, 2017, p.9). These first institutional elements bring some answers to the first and second hypotheses. Indeed, the political polarisation affected parliamentary activity. The higher the salience of the treaties, the more MPs became aware of EU affairs in parliament.

## 8.2 Differentiated formal capacities as foundation of parliamentary involvement in EU affairs: a comparative assessment

In this section, we will compare the parliaments' formal capacities as basis of parliamentary involvement. Based on existing literature and data retrieved from interviews and parliamentary documents, these indicators will allow us to measure parliamentary strength in EU affairs. The stronger formal parliamentary capacities, the more MPs are using the scrutiny tools because they think that they can have an impact on the decision-making. As explained previously in the present thesis, all three parliaments have different scrutiny systems and are commonly classified in the academic literature from the weakest to the strongest<sup>542</sup>. Luxembourg is usually described as a "slow adapter" with few resources, Austria as a medium-strong "national player" and Finland as a strong "national player" in terms of scrutiny of EU affairs (Maurer, In: Maurer/Wessels, 2001; Maurer, In: Abels/Eppler, 2011). We will go into details on some indicators of parliamentary strength in the following sections. Firstly, we will compare the legal bases of each parliament. Then, we will check how the scrutiny infrastructure affected MPs' involvement. Finally, we will analyse scrutiny procedures in EU affairs, which will determine how much influence a parliament can have compared to the government.

### 8.2.1 A comparative assessment of parliaments' legal bases

Formal rules are one of many criteria that permit to measure parliamentary strength in the scrutiny of EU affairs, as well as parliamentary involvement based on this strength. Indeed, according to Auel et al. (2015), strong formal institutional rights imply a higher level of parliamentary activity in EU affairs. However, it does not mean that parliaments are actually using their formal powers in practice (Auel, 2007). The density of the legal bases on EU scrutiny differs between the three studied chambers.

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<sup>542</sup> See the classifications of Auel/Rozenberg/Tacea, In: Hefftl/Neuhold/Rozenberg/Smith, 2015; Karlas, 2011; Maurer/Wessels, 2001; Raunio, 2005; Winzen, 2012

Among the three cases, Luxembourg has the least written rules on parliamentary scrutiny of EU affairs. The Constitution does not mention directly the chamber's participation in the scrutiny of EU policies. The RoP is the only legal source that refers to the role of the Chamber of Deputies in EU affairs, but only in Article 168 and in a memorandum on the cooperation between parliament and government. Revisions of these rules happened late considering that the country belonged to the founding fathers of the EU and had time to adapt to the "acquis communautaire". Indeed, the Article 168 in Chapter 15 was added in the RoP only in 2005 and modified in 2010. The memorandum was incorporated in 2009. The quasi absence of strong formal rules indicates that the Luxembourgish Government might have a bigger leeway in the decision-making compared to the parliament. Another explanation could be that the consensual system in Luxembourg aims to limit Parliament's possibilities to counteract the government. Both institutions share the same opinion on EU affairs, which would not require a reinforcement of parliament's rights in the name of consensus. The Government still dominates EU policies and also controls the evolution of formal rules within parliament through its large majority. Less formal rules regulating parliamentary participation in EU affairs thus mean less autonomy vis-à-vis the government.

Austria established the strongest formal rules among the three cases. The National Council's participation rights are regulated in several articles of the Federal Constitution, the RoP and national information laws. Therefore, theoretically, the National Council has powerful and well-developed institutional rights. Contrary to Luxembourg, the National Council adapted its formal rules when Austria joined the EU in 1994. After each EU treaty, the Parliament reinforced its legal bases. The main reason for the multiple rules on EU scrutiny might be the fact that the Parliament focused since the beginning on the national decision-making and rejected any federalisation of national competences. Another reason could be the powerful opposition in Parliament, especially the Greens during the economic crisis, which managed to impose institutional change for the sake of political strategy. Within a growing competitive environment, modifications of the formal rules could be encouraged by the tensions between the opposition who demands more rights and the majority who wishes to brake further amendments.

Finally, the Finnish Eduskunta anchored its participation rights in the Constitution and its RoP, but to a lesser extent than in Austria. Apart from the Section 96 in Chapter 8 of the Finnish Constitution, which was established in 1995, the other amendments to the legal bases were made only after 2003. Just as in Austria, the Eduskunta adapted its scrutiny system when the country joined the EU and left it untouched until the Convention on the Future of Europe. Both parliaments established mandating systems, with a scrutiny model based on narrow relations between parliamentary groups and the government. They both have strong Grand Committees, which possess extensive prerogatives in EU affairs. Indeed, both bodies can take decisions in place of the plenary. However, the density of legal bases is lower in Finland than in Austria. Unlike in the Austrian National Council, Finnish MPs tend to use more systematically of their formal rules and also rely on unwritten practices. Moreover, unlike Luxembourg and Austria, the Finnish Eduskunta considers its scrutiny system as one of the strongest in the EU. Its reluctance towards further amendments was therefore stronger than in the other chambers.

The density of legal provisions on parliamentary rights in EU affairs can be summed up in the following table.

**Table 21: Countries' legal provisions on parliamentary participation in EU affairs**

	Luxembourg	Austria	Finland
<b>Constitution</b>	/	Article 23c, e, f, g, h, I, k, 50a, b, c, d	- Chapter 1, Section 1 - Chapter 5, Section 66 - Chapter 8, Section 93, 94, 96, 97
<b>RoP</b>	- Article 168, Chapter 15 - Annex 3	GOG §19a, §20c, §26a, §29, §31, §31b, c, d, e, f, §32f, g, h, i, j, §74b, c, d, e, f, g	Section 30, 32, 34 and 38
<b>National Law</b>	/	- Informations- ordnungsgesetz (InfOG) - Informations- verordnung (InfoV) - EU-Informationsgesetz - ESM-Informations- ordnung	/

Source: Own summary based on national Constitutions, parliaments' RoPs and national laws.

If we check for a correlation between the strength of each parliament's EU scrutiny system and parliamentary activity during negotiations on the studied treaties, we observe that some indicators follow the arguments of Auel/Rozenberg/Tacea (2015). As we will see in section III of the present chapter, parliamentary activity depends among other factors on the legal basis of each parliament. Indeed, if we take for instance the number of motions, resolutions, parliamentary questions or the number of question hours on EU affairs between 2004 and 2015, we observe that the National Council was the most active, followed by the Finnish Eduskunta and the Luxembourg Chamber of Deputies<sup>543</sup>. Obviously, the salience of EU issues and political dynamics also played an important role in parliamentary activity. However, the fact that the National Council and the Eduskunta have strong formal prerogatives might have been a crucial determiner for parliamentary involvement.

In Luxembourg, the most used instruments during treaty negotiations were parliamentary questions, while Austrian MPs mostly used resolutions and motions. Within the Eduskunta, committee opinions and MPs' dissenting opinions were the most used tools. To sum up, the more the salience of the treaties increased, the more MPs made use of their parliament's formal institutional rights. However, parliamentary involvement depended also on other criteria, such as the scrutiny infrastructure of each parliament.

<sup>543</sup> Own calculations, based on the number of parliamentary questions and question hours on EU affairs calculated for each parliament between 2004 and 2015.

### 8.2.2 A comparative assessment of scrutiny infrastructures dedicated to EU affairs

Overall, there are several veto players in each country. In Austria, the Federal Constitutional Court and trade union organisations represent constraints on parliamentary involvement. In Luxembourg, trade unions, professional chambers and opinions of the Council of State affect MPs' behaviour within the Chamber of Deputies. In Finland, the Chancellor of Justice, the Parliamentary Ombudsman, the Eduskunta's Constitutional Law Committee and trade union organisations influence parliamentary activity. Constitutional Courts or bodies checking the legality or constitutionality of legislative proposals are able to overturn a proposal or legislative processes. Interest groups influence decisions of single MPs or parties on specific public policies, especially in countries where consociational and social partnership practices prevail. Moreover, in all three cases, parliament-government relations, but also party dynamics, constitute additional constraints or opportunities for MPs, depending on their position on the political spectrum.

If we focus now on the internal scrutiny structures of the three parliaments, we observe several similarities and differences. The way scrutiny is organised in each parliament determines how much support MPs can obtain in their parliamentary work. The table hereunder sums up the main features of each chamber's scrutiny structure.

**Table 22: Features of chambers' scrutiny infrastructure with regard to EU affairs**

	<b>Chamber of Deputies, Luxembourg</b>	<b>National Council, Austria</b>	<b>Eduskunta, Finland</b>
<b>Type of parliament</b>	Unicameral	Bicameral	Unicameral
<b>EAC</b>	Committee on Foreign and European Affairs, Defence, Cooperation and Migration	- EU-Main Committee - EU-Sub Committee	- Grand Committee - Foreign Affairs Committee (CFSP)
<b>Distribution of competences in EU affairs</b>	Decentralised in theory, but centralised in practice	Centralised (with EU-Main Committee as coordination body)	Decentralised (with GC as coordination body)
<b>Parliamentary staff dedicated to EU</b>	3 staff (International Relations Department, European Unit) <sup>544</sup>	21 staff (shared with Federal Council, EU and International Department)	10 staff (GC Secretariat)
<b>EU-database</b>	No, only internal document classification programme	Yes	No, internal database and access to government database
<b>Brussels representation office</b>	January 2006	May 2005	1995
<b>Parliamentary group EU-collaborator</b>	- Yes, depending on group size - no MP assistants	Yes, pool of collaborators depending on group size	Yes, depending on group size

<sup>544</sup> Among the ten staff in the International Relations Department, only three staff work on EU affairs. Among these three staff, two work part-time and one staff works full-time on EU affairs.

<b>Party EU-working group</b>	Yes, depending on party	Yes, depending on party	Yes, depending on party
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Source: Own classification, based on data retrieved from parliaments' websites, parliamentary reports, interviews, secondary literature.

First, the Luxembourg Chamber of Deputies and the Finnish Eduskunta are unicameral parliaments, while Austria has a bicameral parliament composed of the National Council and the Federal Council. Therefore, there is an additional veto player in the Austrian political landscape, which might affect MPs' involvement in the National Council. Indeed, whenever the National Council rejects a legislative proposal, MPs try to submit it again in the Federal Council, where political tensions are less important and ministers do not have to attend meetings (Interview 3a, 2017). Between 2004 and 2013, the SPÖ and the ÖVP kept their majority in both chambers, ensuring them a large support from parliament. From 2015 on, the re-emergence of the FPÖ as a strong political player on the national level also affected the composition of the Federal Council. The FPÖ gained a substantial amount of seats in the upper chamber. The party is now able to influence the legislative process within the whole parliament.

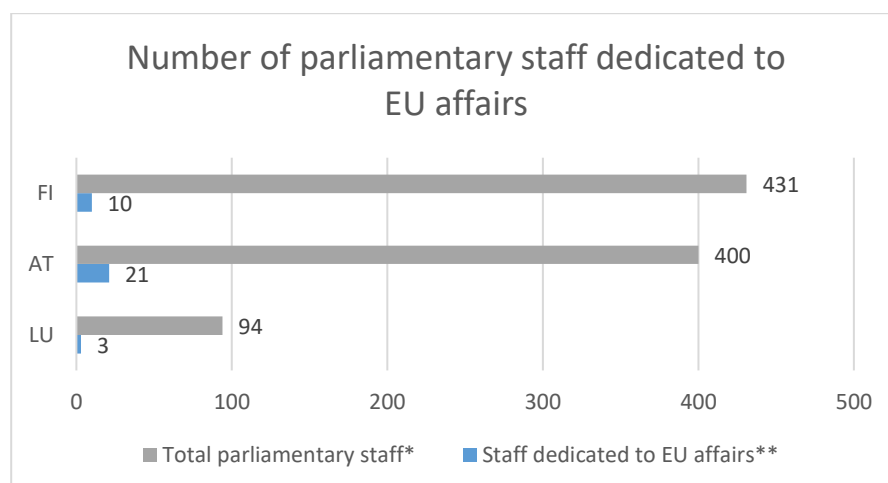
The structures dedicated to EU affairs differ within each chamber. All three cases have EACs, but their statuses and competences diverge. The Luxembourg Chamber of Deputies and the Finnish Eduskunta have both bodies dealing with EU affairs with blurred denominations. The Chamber of Deputies has a Committee on Foreign and European Affairs, Defence, Cooperation and Migration encompassing several policy fields on top of EU affairs. The Eduskunta has a Grand Committee that deals with EU affairs since 1995, together with the Foreign Affairs Committee that deals with the CFSP. The Austrian National Council established EACs with more circumscribed functions and names: the EU-Main Committee and the EU-Sub Committee. The distribution of tasks between the EACs and sectoral committees looks somewhat similar in Luxembourg and Austria. In practice, the Committee on Foreign and European Affairs, Defence, Cooperation and Migration centralises EU scrutiny, even though the chamber made efforts towards decentralisation in theory.

The National Council's EACs also tend to centralise EU affairs, but in their case, they act as coordination bodies whenever sectoral committees become active in the framework of the subsidiarity monitoring. On the contrary, the distribution of competences within the Eduskunta is decentralised, with the Grand Committee acting as a coordination body whenever sectoral committees give their opinion on an EU matter. These elements indicate that Finnish MPs tend to deal more often with EU affairs than MPs from Luxembourg or Austria, because the Eduskunta seems to encourage the mainstreaming of EU affairs. In the other chambers, EAC members might be the only ones involved in EU affairs. During EU and intergovernmental treaty negotiations, EACs usually monitor IGCs and deal with broader institutional issues, while sectoral committees handle specific aspects of the treaties. However, as we will see in the next chapters, the salience of EU treaties and intergovernmental treaties on the EMU also encourages non-EAC members to become active for competence or strategical reasons. For instance, the economic crisis was not centralised anymore within EACs, but obliged Finance committees to get involved in the technical discussions.



Administrative support to EACs and their members is distributed unevenly in the three chambers. Surprisingly, even though the Luxembourg Chamber of Deputies has comparatively less resources in personnel than the other parliaments, it has proportionally more staff dedicated to EU affairs than in the Finnish Eduskunta (around 3%). Indeed, among the 94 parliamentary staff, around 3 work in the International Relations Department and its “European Unit”. The Finnish Eduskunta has the most civil servants of all three cases, but the least officials dealing with EU affairs. Indeed, we counted 10 staff out of 431 assisting the GC’s work, which represents approximately 2% of the total number of parliamentary civil servants. Finally, in Austria, the National Council shares its parliamentary administration with the Federal Council. Within their “EU- and International Department”, composed of the “EU information and EU-database” unit and the “European relations” unit. We counted approximately 21 out of 400 staff (approx. 5,25%) dealing directly with EU affairs, but only three civil servants within the “European relations” unit assist both EACs. Other staff in departments handling conference organization or international relations certainly deal with EU affairs as well, but we did not count them, because competence distribution is not clear. The graph hereunder illustrates these proportions.

**Figure 79 : Number of parliamentary staff dedicated to EU affairs compared to total number of staff (in total), comparative assessment**



Notes: The number of staff in Austria does not include the departments A3.3 on conference organization and A3.4 on international relations, because it is not clear who handles EU affairs. Both departments count 22 staff, some of them already counted as EU staff. In Finland, the number of staff counts both the staff in the EU-secretariat and the staff in the Foreign Affairs Committee.

\*Total number of parliamentary staff retrieved from annual parliamentary reports. The last known years are 2018 for Luxembourg, 2017 for Austria and 2016 for Finland.

\*\*According to interviewees and parliamentary organigram

On the EU level, all three parliaments established parliamentary representations. The Eduskunta can be seen as a forerunner, because it created its EU office in 1995 when Finland joined the EU. The Austrian parliament established its EU office in May 2005 and Luxembourg in January 2006 in the framework of its “European Strategy”. Surprisingly, the Luxembourg Chamber of Deputies once again adapted quite late to European Integration compared to the newer EU members.

The above-mentioned proportions show that MPs in Luxembourg might rely mainly on their parliamentary administration for the preparation of EU dossiers, because the small size of parliamentary groups implies also that they have only one EU-collaborator (with the exception of the smallest groups) and no parliamentary assistants. Some parties established working groups on EU affairs, but depending on their size and own resources. Therefore, the lack of resources within parliamentary groups might force MPs to depend on the support of civil servants. Even though not directly illustrated by the graph, Finnish MPs also tend to rely more on the support of the GC Secretariat. Contrary to Luxembourg, the reason lies less in the lack of resources than in the fact that parliamentary groups decided to have few EU-collaborators, even though the size and resources of the groups are bigger than in the Luxembourg Chamber of Deputies. For instance, the KESK or the SDP have only one EU collaborator each. An explanation could be that EU affairs are treated in parliament like any other domestic matter and does not require reinforced support compared to other policy fields. Moreover, like in Luxembourg, some parties also created working groups on EU affairs that include MPs. In Austria, parliamentary groups and parties tend to be bigger and have more elaborated internal structures dealing with EU affairs. Parliamentary groups have pools of collaborators, with sometimes several staff dealing with EU affairs.

In all cases, there is a close collaboration between parliamentary staff, group collaborators and MPs on decisions concerning the EACs agenda or information transfer on EU issues. The “European Unit” of the Luxembourg Chamber of Deputies and the GC Secretariat of the Eduskunta are responsible for the classification of EU documents and the management of the document tables. The administration can suggest putting specific issues on the EAC’s agenda, but the last decision lies between the hands of EAC members in the case of Luxembourg and the Speaker of parliament in the case of Finland. In the Eduskunta, the Head of the GC Secretariat has access to the parliament and the government database when he needs information on EU matters. In the Austrian National Council, parliamentary staff has more decisional and analytical competences. The units dealing with EU affairs have the possibility to draft ex-ante analyses before a matter is put on the EU-Main Committee’s agenda, but the final decision is taken together with the group speakers and collaborators. The Austrian Parliament has also a well-developed EU-database with dedicated staff.

To conclude, we can notice that the strength of scrutiny infrastructures is quite nuanced between the three studied chambers. The Luxembourg Chamber of Deputies has the biggest proportion of parliamentary staff dedicated to EU affairs, but the least resources in personnel. Indeed, the total number of parliamentary staff is considerably lower in the Chamber of Deputies than in the other chambers, but the proportion of staff dealing with EU affairs is surprisingly higher. Parliamentary groups benefit only recently from EU-collaborators and a parliamentary representation in Brussels. The processing of information from the EU level is still complicated for Luxembourg MPs, because the small amount of specialised personnel does not permit them to go deeper into an issue. Moreover, specialised staff do not have analytical competencies just as in the Austrian National Council. They merely classify documents, but do not provide in-depth analyses on EU matters. Opposition MPs have fewer financial and personnel resources at their disposal, which limits their influence on the decision-making process. Without surprise, the Luxembourg Chamber of Deputies is therefore also the least

active of the three parliaments. On the contrary, the two other chambers have more personnel resources, but allocate them differently to EU affairs. In the National Council, several units deal with EU issues and have analytical competences. Parliamentary groups and parties are usually well equipped with staff focusing on EU policies. As parliamentary committees in the National Council have no committee secretariats, MPs are dependent on the combined support of the central parliamentary administration and their group's staff. The Eduskunta has the smallest proportion of EU-dedicated staff and parliamentary groups do not have broad structures focusing on EU affairs. However, the Head of the GC Secretariat has privileged contacts with the ministries. Due to the decentralised scrutiny system, MPs are more inclined to scrutinise EU issues in sectoral committees, because they need to provide opinions requested by the GC. Overall, the Eduskunta has the scrutiny infrastructure that encourages the most mainstreaming of EU affairs.

### *8.2.3 A comparative assessment of scrutiny procedures dedicated to EU affairs*

The Luxembourg Chamber of Deputies, the Austrian National Council and the Finnish Eduskunta have different scrutiny systems. The Luxembourg Chamber of Deputies has a document-based scrutiny system, which means that the parliament scrutinises mainly documents emanating from EU institutions and not government positions. The Austrian National Council scrutinises both documents from EU institutions and sometimes government positions. Even though it seems that the Austrian parliament has a document-based system, the mandating or procedural system is a more appropriate denomination according to answers given to the 8<sup>th</sup> COSAC bi-annual report<sup>545</sup>. Finland has a procedural system with some features of the document-based system, because the Eduskunta mainly scrutinises governmental negotiation positions with EU documents as background information.

We identified two distinct groups of parliaments, as often classified in the literature<sup>546</sup>. On the one side the Luxembourg Chamber of Deputies with the least institutionalised scrutiny procedures, and on the other side the Austrian National Council as well as the Finnish Eduskunta with the most institutionalised procedures. In some aspects, the National Council only moderately implements its scrutiny rules, but remains a strong parliament. The lack of institutionalisation concerns especially rules on parliament-government cooperation. For instance, the Luxembourg Chamber of Deputies theoretically has the possibility to invite ministers before Council meetings, but does not use this tool because of schedule problems and probably of the fact that majority MPs already obtained the needed information from their ministers during prior informal party or group meetings. In Austria, binding mandates before Council meetings are barely applied, because negotiation results on the EU level might be less beneficial for Austria than without a mandate. Additionally, with regard to the ratification procedure of EU treaties, the Luxembourg Constitution remains vague and therefore Parliament

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<sup>545</sup> COSAC, 2007, Eighth bi-annual report: Developments in European Union Procedures and Practices Relevant to Parliamentary Scrutiny

<sup>546</sup> See classifications of parliamentary scrutiny strength in EU affairs in Auel/Rozenberg/Tacea (2015), Bergman (1997), Karlas (2011), Winzen (2012).

approves treaties through the ordinary procedure. In the Finnish Eduskunta and Austrian National Council, the ratification procedure is strictly codified and institutionalised, because only a two-thirds majority can validate the ratification in parliament. The less institutionalised the scrutiny procedures, the less MPs might be able to influence the decision-making process. Indeed, blurred rules and absence of implementation give the government more negotiation power in EU affairs and thus fundamentally affects how parliament and government work together.

The degree of institutionalisation of scrutiny systems also diverges on several other aspects: the extent of cooperation between parliament and government, the scope of information transfer from government to parliament, the autonomy level of EACs and the relation with MEPs. First, we observe that exchanges between parliament and government are more frequent and intense in Austria and Finland than in Luxembourg. The constant cooperation between MPs, parliamentary civil servants and ministries, be it in the pre-parliamentary arena or within parliament, ensures a high level of updated information on current processes. In Luxembourg, the memorandum on the cooperation between parliament and government on EU affairs was established only in 2009 and several rules are not implemented in practice. For instance, the memorandum states that sectoral committees dealing with EU issues can take the initiative to hear ministers on the EU dossiers<sup>547</sup>. In practice, the committees almost never invite ministers to discuss EU affairs. In theory, the Luxembourg Chamber of Deputies has a system of ex-ante and ex-post control of Council meetings. In practice, only the ex-post control is applied, to the extent that the responsible ministers are available to come to the EAC after the meetings.

In the National Council and the Eduskunta, Council meetings are mainly scrutinised ex-ante, with the possibility to give a mandate to the ministers. Therefore, contrary to Luxembourg, MPs are informed earlier on legislative proposals and EU documents. They have the possibility to take up a position and be proactive in the scrutiny process. Austria has several national laws that regulate precisely the scope and timing of information transfer from the government to parliament (EU-Informationsgesetz, 2011; ESM-Informationsordnung, 2014). Before Council meetings, the government must transfer all EU documents and information to the National Council. The government systematically sends explanatory memoranda on EU documents. The Federal Chancellor and the Foreign Affairs minister participate in the meetings of the EU-Main Committee to explain negotiation positions before Council meetings. The National Council can also establish “Firefighting” committees to stay in contact with the Federal Chancellor during European Council meetings.

The Finnish Eduskunta has almost the same system. Indeed, even though no national law regulates the cooperation between parliament and government, the Eduskunta receives extensive and frequent information from the ministries. It focuses on ex-ante control with the possibility to bind ministers. Just as the Austrian National Council, the Eduskunta systematically receives explanatory memoranda from ministries before Council meetings. Moreover, ministers come to the GC before and after the meetings. GC members, especially the

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<sup>547</sup> See Annex 3 RoP, Aide-Mémoire sur la coopération entre la Chambre des Députés et le Gouvernement du Grand-Duché de Luxembourg en matière de politique européenne, Section I.4.

GC Chair, stays in constant contact with the Prime Minister during European Council meetings and closely monitors the negotiation process. Compared to Luxembourg, Austrian and Finnish MPs obtain more frequent and direct governmental information, which enables them to affect the legislative process at a very early stage. Reversely, MPs in the Chamber of Deputies often react too late and remain passive towards their Government's EU policy.

Secondly, we can divide the parliaments according to the autonomy level and strength of their EACs. The Luxembourg Chamber of Deputies has the weakest EAC of the three cases, while the Austrian EU-Main Committee and the Finnish Grand Committee have similarly strong competences. In Luxembourg, the EAC's large scope of competences differs from the rather specialised tasks of the Austrian and Finnish EACs. Moreover, while the EU-Main Committee and the Grand Committee can act on behalf of the plenary, the Luxembourg Committee on Foreign and European Affairs, Defence, Cooperation and Migration does not have the competence to do so. The procedure on reasoned opinions in the framework of the subsidiarity monitoring also shows differences in terms of committee strength. In the Luxembourg chamber, sectoral committees draft the reasoned opinions and send them directly to the plenary. In that case, the EAC plays only a limited role whenever matters do not fall into its competences.

On the contrary, in the Austrian and Finnish chambers, the EACs act as coordination bodies for reasoned opinions. Therefore, they centralise the opinions of sectoral committees and draft a position that tries to represent the opinion of the whole chamber. In the National Council, EACs adopt reasoned opinions, with a consultative voice of sectoral committees when needed. In the Eduskunta, the GC centralises sectoral committees' opinions to produce a unified position. Moreover, in Austria, the EU-Main Committee has substantial power in terms of agenda setting and redistribution of EU documents, while in Luxembourg and in Finland, respectively the President and Speaker of Parliament decide about the redistribution of documents among sectoral committees (Chamber of Deputies) and the drafting of opinions to the GC (Eduskunta). In all three cases, joint committee meetings between EACs and sectoral committees are almost non-existent. The diverging strength of EACs tells us more about their capacity to constrain the government. Once again, MPs in Luxembourg, especially EAC members, seem to have fewer opportunities to affect the EU legislative process than Austrian or Finnish MPs.

Finally, the trends observed above seem to be reversed in the case of parliaments' relation with the EU level, in particular MEPs. The Chamber of Deputies' EAC invites them systematically in its meetings. Sectoral committees can also invite MEPs whenever EU issues are on their agenda. The RoP does not specify what kind of rights MEPs have within the Chamber of Deputies, which renders the practice quite flexible. MEPs also benefit from regular contacts with their affiliated parliamentary groups, as they have an office within the premises of their national party. The proximity of Luxembourg to Brussels facilitates frequent exchanges between MPs and MEPs. Just as in Luxembourg, Austrian affiliated parliamentary groups can invite their MEPs in EAC meetings or in group meetings. Therefore, interactions seem to be quite regular, even though more frequent at the group level than at the committee level. MEPs have a consultative voice both in the Austrian and Luxembourgish chambers. The Eduskunta

has stricter rules concerning MEPs, because they can only be invited in GC meetings as external experts.

While in Luxembourg and Austria, MEPs benefit from special dedicated rules, the Finnish chamber does not recognise MEPs' status in its internal rules. Subsequently, Finnish MEPs have the same rights as any other experts that would attend parliamentary hearings. The difference of treatment of MEPs on the national level is closely linked to parliaments' perception of European integration and their role in EU affairs. Indeed, as said earlier, Luxembourg is a deeply pro-European country, which is reflected in the fact that MPs cooperate voluntarily with MEPs to obtain direct information from the EU level. On the contrary, the Eduskunta conceives its role independently from the EU level and focuses mainly on government control on the national level. Therefore, MEPs are not seen as an additional useful source of information for Finnish MPs. Here we can see again the difference between the mandating-based system in Finland that focuses primarily on government scrutiny and the document-based system in Luxembourg that emphasises the scrutiny of EU documents. Moreover, the close relation with MEPs in the Chamber of Deputies might also originate from the lack of domestic resources, which forces MPs to diversify their information sources. The table hereunder sums up the above-mentioned differences between the two types of scrutiny procedures.

**Table 23: Chambers' scrutiny procedures in EU affairs**

	<b>Chamber of Deputies, Luxembourg</b>	<b>National Council, Austria</b>	<b>Eduskunta, Finland</b>
<b>Type of scrutiny system</b>	Document-based	Mandating/procedural and document-based	Mandating/procedural and aspects of document-based
<b>Ratification procedure of EU treaties</b>	- Government informs the parliament on upcoming IGCs - Treaty ratification through ordinary procedure	Two-thirds majority	Two-thirds majority
<b>Control of government's EU policy</b>			
<b>National law on cooperation between parliament and government on EU affairs</b>	Aide-Mémoire sur la coopération entre la Chambre des Députés et le Gouvernement du Grand-Duché de Luxembourg en matière de politique européenne, 2009	- EU-Informationsgesetz, 2011 - ESM- Informationsordnung, 2014	No
<b>Type of government control for Council meetings</b>	Ex-ante (barely institutionalised) + ex-post	- Ex-ante + ex-post (rarely) - Binding mandates (in theory)	- Ex-ante - Binding mandates
<b>Parliamentary control of Council meetings</b>	- Ministers come after the Council meetings - No explanatory memoranda	- Federal Chancellor and FA Minister come before to the EU-HA - "Fire-Fighting" committee during Council meetings - Systematic ex-ante explanatory memoranda	- Ministers come before and after Council meetings - Ad-hoc GC meetings during Council meetings - Systematic ex-ante explanatory memoranda

<b>Strength of EAC within parliament</b>			
<b>EAC acts on behalf of plenary</b>	No	Yes	Yes
<b>Regulated procedure for reasoned opinions</b>	Sectoral committees draft opinions and transfer them to the plenary	EACs adopt reasoned opinions with consultative voice of sectoral committees	GC centralises sectoral committees' opinions
<b>Redistribution of EU documents</b>	President of Parliament with suggestion from EAC	EU-HA	Parliament Speaker decides which sectoral committee gives opinion to GC or FA committee
<b>Joint committee meetings EAC/sectoral committees</b>	Rare	Rare	Rare
<b>Relation with EU level</b>			
<b>Contact between MPs and parliamentary EU representatives</b>	Rare	Rare	Rare
<b>Participation of MEPs in committee meetings</b>	- Systematically invited in EAC meetings - Can be invited in sectoral committees when EU issue on agenda	- Invited in EAC meetings or sectoral committee meetings - Consultative voice	- Invited in GC as external experts

Source: Own summary based on national Constitutions, RoPs, national laws, interviews and secondary literature.

#### 8.2.4 Conclusion

In this section, we focused on parliaments' formal capacities as predetermining factors of parliamentary involvement. We observed that the Luxembourg Chamber of Deputies has the least rules, resources and institutionalised procedures to deal with EU affairs. On the contrary, the Austrian National Council and the Finnish Eduskunta are very similar cases, even though the latter implements more thoroughly its formal rules in practice. If we focus back on the rankings made by several authors such as Maurer/Wessels (2001), Maurer (2011) or Auel et al. (2015), we notice that our arguments correspond to the classifications made in the secondary literature. Maurer and Wessels have qualified the Luxembourg Chamber of Deputies as a "slow adapter" with a low scope of participation and reactive behaviour towards EU affairs. The Finnish and Austrian parliaments were described as "national players" focusing on government control, with a high scope of participation and an "anticipative, pro-active and institutionalized" way to handle EU affairs (Maurer/Wessels, 2001, p.68).

We can confirm these elements through our analysis of each chamber's legal bases, scrutiny infrastructure and procedures. We discovered that the degree of institutionalisation of the Luxembourg chamber was low compared to the other two chambers. Moreover, even though Luxembourg belonged to the founding countries of the EU, the parliament adapted very late to European integration, sometimes even later than the Austrian or Finnish parliaments. The analysis of the scrutiny procedures also showed that the Chamber of Deputies tends to get involved quite late in the EU decision-making process, while the other chambers have developed ex-ante practices. Auel et al. based their ranking on existing ones and measured parliamentary strength according to three criteria: timing and access to information, scrutiny



infrastructure and oversight (Auel/Rozenberg/Tacea, In: Hefftlér/Neuhöf/Rozenberg/Smith, 2015).

Once again, the Eduskunta occupied the first position in their ranking on institutional strength and parliamentary activity, while the National Council counted among the moderately strong parliaments due to lacking implementation of formal rules<sup>548</sup>. The Chamber of Deputies counted among the weakest in both categories. Overall, based on these criteria measuring the strength of parliaments' scrutiny models, the authors described the Austrian National Council and the Luxembourg Chamber of Deputies as "debating arenas" and the Finnish Eduskunta as a "policy shaper". Both the Austrian and Luxembourg chambers have been put in the same category, because plenary debates on EU issues play an important role compared to other parliaments in the EU. As the authors' classification shows, both chambers receive ex-ante and ex-post information from the government and focus mainly on oral scrutiny instruments in plenaries.

In terms of access to information, the Chamber of Deputies receives EU documents, but cannot react ex-ante to government positions because the latter are communicated only once negotiations have been concluded on the EU level. On the contrary, the Austrian and Finnish chambers scrutinise their governments' positions before ministers participate in Council meetings. Their extensive ex-ante information rights makes them more proactive in EU affairs. For this reason, a classification of the Austrian scrutiny model as made by Auel et al. (In: Hefftlér/Neuhöf/Rozenberg/Smith, 2015) turns out to be more contrasted, because the chamber tends to be formally a "policy shaper", but is in practice a "debating arena". The Finnish Eduskunta is described as a "policy shaper", because as our own research proved, the chamber focuses on ex-ante information received mainly by the Finnish Government. Just as the Austrian chamber, it can give mandates and binding opinions. Parliamentary activity in EU affairs is mainly concentrated in the EAC or sectoral committees (Rozenberg/Hefftlér, In: Hefftlér/Neuhöf/Rozenberg/Smith, 2015). Moreover, the scrutiny infrastructure of each parliament shows that EACs have divergent levels of autonomy in terms of agenda setting and government control. The Chamber of Deputies has a quite weak EAC compared to the two other chambers. Indeed, the latter can take decisions instead of the plenary and bind ministers to a certain position. For instance, the Eduskunta focuses on the scrutiny of government positions and thus aims to exert more influence on the legislative process itself.

Overall, the elements outlined in this section confirm the main rankings of Maurer/Wessels and Auel/Rozenberg/Tacea. The differences between the cases have a clear impact on parliamentary involvement. The more institutionalised and strongly regulated a scrutiny system is, the more MPs will be motivated to make use of their rights. Mainstreaming of EU affairs within parliaments also depends on parliaments' formal capacities. Therefore, from an institutional point of view, we can say that mainstreaming seems to be more advanced in the Finnish Eduskunta than in the two other chambers. However, the analysis of MPs' motivations

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<sup>548</sup> Auel/Rozenberg/Tacea, Chapter 3: Fighting back? And, If So, How? Measuring Parliamentary Strength and Activity in EU Affairs, In: Hefftlér/Neuhöf/Rozenberg/Smith, *The Palgrave Handbook of National Parliaments and the European Union*, 2015.

will show later on that parliamentary strength in EU affairs can be relative, because strong institutional settings do not systematically mean strong motivations to get involved in EU matters.

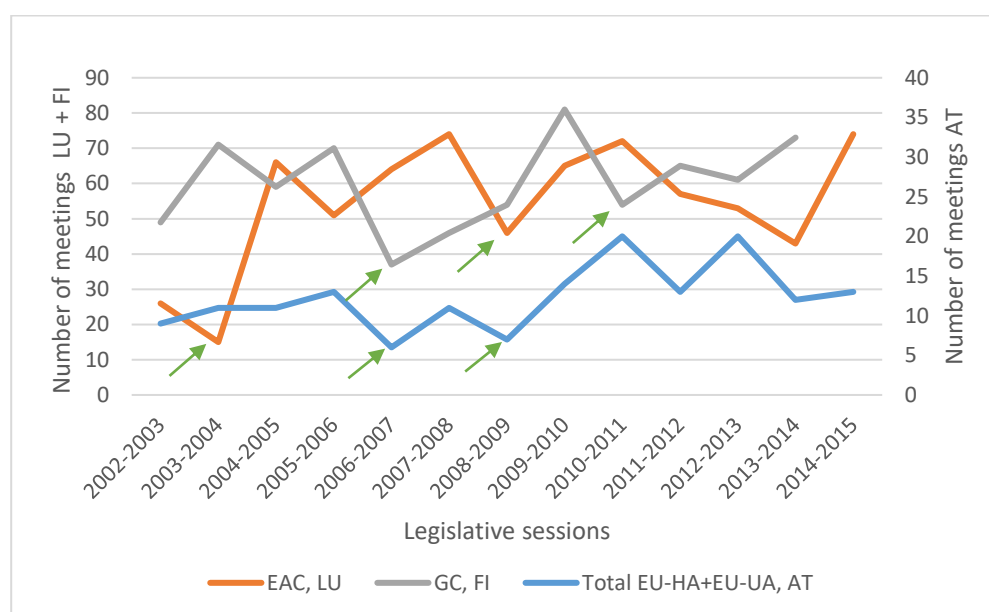
### 8.3 Comparison of parliamentary activity during EU and intergovernmental treaty negotiations

The present section focuses on one of the two components of parliamentary involvement, namely parliamentary activity. We will first compare the activity levels in all three parliaments and check if there is a link with the salience level of the studied treaties. In a second part, we focus on MPs' motivations as drivers of parliamentary activity.

#### 8.3.1 Evolution of parliamentary activity from 2002 to 2015

Parliamentary activity during EU and intergovernmental treaty negotiations can best be illustrated through the analysis of the evolution of EAC meetings and parliamentary questions on EU affairs. Evolutionary trends are quite similar in all three cases and are linked both to the salience level of the treaties, but also to national legislative elections. Indeed, if we compare the evolution of EAC meetings between 2002 and 2015, we see that the lowest number of meetings in the graph correspond most of the time to parliamentary elections on the national level. Treaty negotiations correspond each time to higher numbers of EAC meetings, even though the latter are not systematically examining treaties in their agenda. The graph below assesses the evolution of EAC meetings in each parliament.

**Figure 80: Comparative evolution of EAC meetings (in total)**

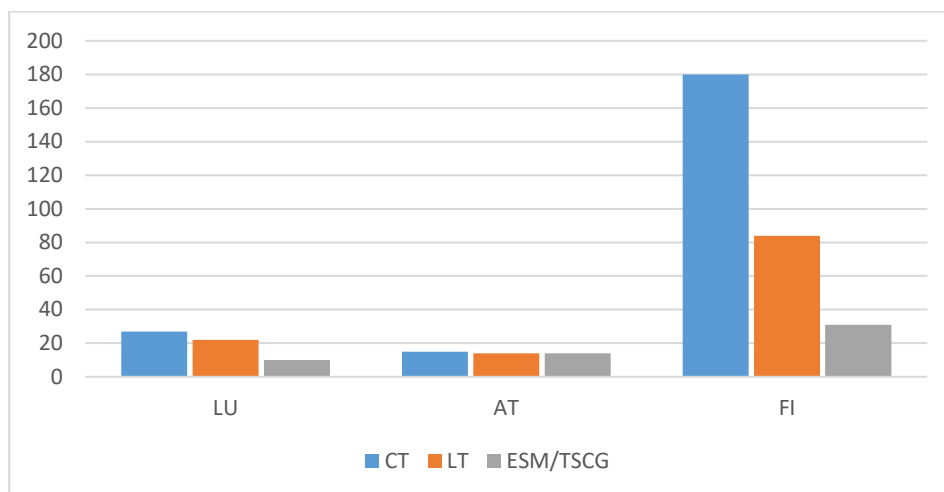


Source: Own calculations.

The green arrows show national legislative elections in Luxembourg, Austria and Finland. We observe that each time elections were organised, the number of EAC meetings dropped. Therefore, we can affirm that in all three cases, national events played a significant role in parliamentary activity. Overall, the number of EAC meetings were lower in the Austrian National Council compared to the Chamber of Deputies or the Eduskunta, because the EU-Main Committee meets on average once per month. The EACs of the other chambers meet once per week on average. Moreover, both tend to first centralise EU matters before delegating them to sectoral committees, which can explain why they meet more often. We observe as well that fluctuations seem to be very similar between EU-HA/EU-UA and GC meetings until the economic crisis, while the EAC of the Chamber of Deputies followed a different trend (in orange). Specifically, while EAC meetings increased in Luxembourg during discussions on the Constitutional Treaty (2004-2005), they decreased in Finland and Austria. The drastic increase of EAC meetings in the Chamber of Deputies does not indicate that the committee's agenda focused on the treaty itself, but is indicative of a potential influence of the European context on parliamentary activity. In the case of the Lisbon Treaty, we note that all three EACs met more often in 2007-2008, before a drop in Luxembourg and Austria around national legislative elections, respectively at the beginning of 2009 and late 2008. Finally, the evolution of EAC meetings during the economic crisis were more similar between Luxembourg and Austria, while Finland stood out. Indeed, EAC meetings dropped in 2010-2011 before the national legislative elections, while they increased in the Chamber of Deputies and the National Council.

In particular, if we now focus on the number of committee meetings that were specifically dedicated to each treaty within the chambers, we see that the number of committee meetings decreases continuously over time, while plenary debates fluctuate between each treaty. Indeed, in the three chambers, committees met more often to discuss the Constitutional Treaty than the other studied treaties. The most noticeable feature of the graph below is the significantly higher number of committee meetings in the Finnish Eduskunta. The main explanation is that almost all sectoral committees were directly involved in the discussions, while in the Chamber of Deputies and the National Council only the EACs and the Constitutional Affairs committees handled the treaty. Moreover, compared to the other treaties, the Constitutional Treaty was examined over a longer period of time, which thus involved more often parliamentary committees.

**Figure 81: Comparative evolution of committee meetings on EU treaties and intergovernmental treaties on the EMU (in total)**



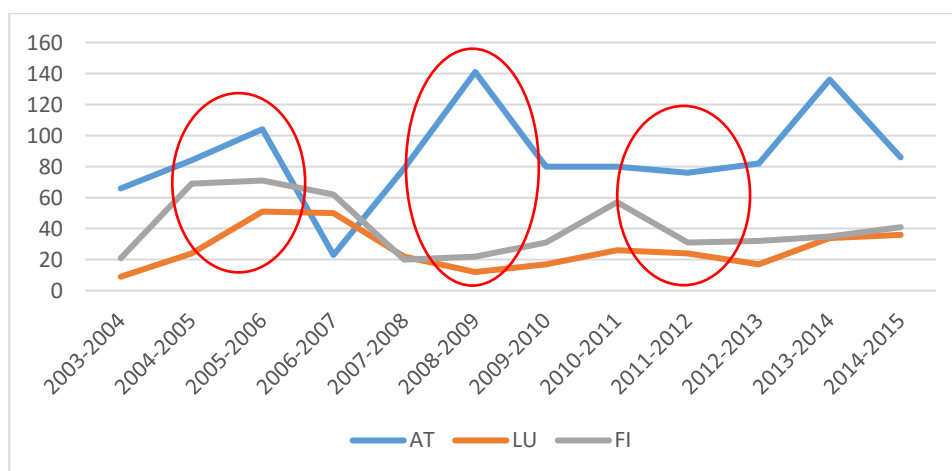
Source: Own calculations.

Notes: CT = Constitutional Treaty; LT = Lisbon Treaty

In the context of the Lisbon Treaty, the lower number of committee meetings probably shows the fatigue of MPs after the failure of the Constitutional Treaty and thus the lower interest for the treaty. During the economic crisis, plenary debates seemed to be more popular, especially in the Finnish Eduskunta. The main reason lies in the fact that the True Finns used the plenary as an arena to publicise their sceptical position in order to attract voters' attention, because committee meetings are not public. The opposition used the plenary as a means to influence the government's position on the ESM and the TSCG.

More than committee meetings, parliamentary questions are indicative of how often MPs use scrutiny tools to control their government's EU policy. Again, fluctuations are quite similar between the three cases, with a major difference during discussions on the Lisbon Treaty, as illustrated below.

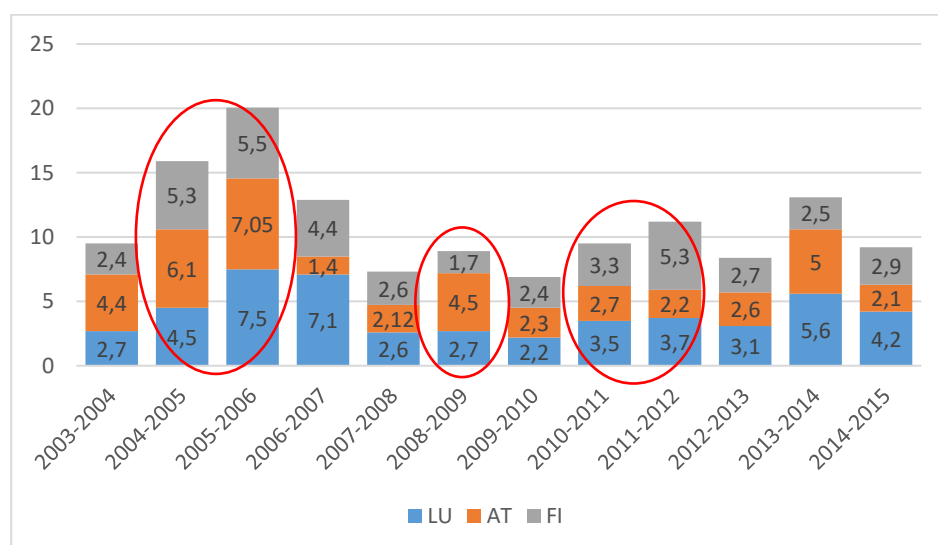
**Figure 82: Comparative evolution of PQs on EU affairs (in total), 2003-2015**



Source: Own calculations.

The red circles indicate the periods of discussions on each treaty. Overall, we observe that Austrian MPs submitted more questions on EU affairs over the whole period than the rest. During negotiations on the Constitutional Treaty, we observe that the number of parliamentary questions on EU affairs grew in all three parliaments. Austrian MPs submitted an even higher number of questions on EU affairs around the Lisbon Treaty, while MPs in Luxembourg and Finland submitted the least questions. During the economic crisis, the number of submitted questions on EU affairs decreased slightly in all three parliaments, even though MPs followed the European context with more concern. Finnish MPs seemed to have focused more on the 2010-2011 period, which corresponds to the context of financial help packages to Greece, Spain and Portugal. Overall, the evolution of the percentage of parliamentary questions on EU affairs compared to the total number of questions was somewhat similar between the cases.

**Figure 83: Comparative evolution of the percentage of PQs on EU affairs, 2003-2015**



Source: Own calculations.

Within the three chambers, the percentage of questions on EU affairs increased in the framework of the Constitutional Treaty (2004-2006) and during the Lisbon Treaty with the exception of Finland (2008-2009). The context of the economic crisis also shows an increase in the percentage of questions, with the exception of Austria in 2011-2012. Even though we cannot establish a straightforward correlation between the treaties and the proportion of questions on EU affairs, fluctuations observed above seem to indicate that the context of treaty negotiations affected parliamentary activity in the three studied chambers.

If we compare in particular the proportion of parliamentary questions on each treaty compared to the total number of questions on EU affairs, we observe that Luxembourgish MPs submitted the highest proportion of parliamentary questions on the Constitutional Treaty<sup>549</sup>. The main explanation could be the organisation of the national referendum on the treaty, which fuelled more attention than the Constitutional Treaty itself. Indeed, most of the questions dealt with the referendum (see chapter 5). In the National Council and the Eduskunta, the proportion

<sup>549</sup> Own calculations based on parliamentary questions retrieved from parliaments' reports and databases. Detailed information can be found in chapters 6, 7 and 8.

of questions asked on the Constitutional Treaty was low, probably because of the rather large consensus prevailing between the parties at that time, but also the fact that the amount of questions on EU affairs was significantly higher than in Luxembourg. Therefore, the order of magnitude represented a challenge in the calculation of the proportion of questions on EU treaties and intergovernmental treaties on the EMU.

During negotiations on the Lisbon Treaty, the proportion of questions dropped in Luxembourg because of a lack of interest for the treaty after the tiring referendum campaign in 2005. On the contrary, the number of questions on the Lisbon Treaty increased in the National Council and the Finnish Eduskunta. However, proportionally speaking, the increase in the National Council was only minimal, because the amount of questions on EU affairs was significantly higher in 2007-2009 than in 2003-2005, while the number of questions on the Lisbon Treaty itself barely grew. In the Eduskunta, the number of questions on EU affairs decreased substantially in 2007-2009 compared to 2003-2006, while the number of questions on the Lisbon Treaty was similar to those on the Constitutional Treaty. The different order of magnitude explains why proportionally there were more questions on the Lisbon Treaty compared to parliamentary questions on EU affairs. Surprisingly, the context of the economic crisis did not lead to a higher percentage of questions on the ESM and the TSCG. On the contrary, MPs' use of questions stagnated in the Chamber of Deputies, increased very slightly in the National Council and decreased dramatically in the Eduskunta. While we can explain the increase in Austria with the fact that the FPÖ made more use of questions to scrutinise the government, MPs' behaviour in Finland can be explained by the fact that they favoured other types of scrutiny instruments: committee opinions and dissenting opinions.

Based on the analysis of parliamentary activity, we will now check if there is any correlation between the salience level of each treaty and parliamentary activity in the three chambers. With parliamentary activity, we mean here the number of committee and plenary meetings combined with the usage level of scrutiny tools such as parliamentary questions, motions, resolutions or interpellations. The Constitutional Treaty was salient only for the Luxembourg Chamber of Deputies, because MPs transformed a European issue into a national priority: the organisation of a referendum. Within the Chamber of Deputies, as outlined above, parliamentary activity on the treaty was high. MPs used several scrutiny tools less to control their government than to ask for additional information. The treaty's salience seemed to have affected parliamentary activity. Within the National Council and the Eduskunta, the Constitutional Treaty was only moderately salient. While parliamentary activity was accordingly low in the National Council, Finnish MPs were very active despite the low salience of the treaty. Here, we cannot clearly say that salience and parliamentary activity are linked, because the Finnish case proves the contrary. The main explanatory factor could be the scrutiny system itself, which is designed in a way to encourage all sectoral committees to participate in the scrutiny of EU affairs, no matter their salience. Therefore, the amount of committee opinions and dissenting opinions was high because the procedure was decentralised. In all three cases, there was no sign of ideological polarisation between parties. On the contrary, the Lisbon Treaty did not attract much attention within the Chamber of Deputies due to its similarity with the failed Constitutional Treaty and the general fatigue in the aftermath of the 2005 referendum campaign. Finnish MPs did not pay as much attention to the Lisbon Treaty as well, probably

because several domestic issues distracted them from the European level (see chapter 7). In both cases, the low salience level was also reflected in parliamentary activity, which was quite moderate. On the contrary, the FPÖ's shift into the opposition in Austria explains why the Lisbon Treaty was particularly salient in the National Council. The higher salience of the treaty can thus be linked to the growing polarisation between Austrian parties. Consequently, MPs were actively scrutinising their government's EU policy.

Finally, the economic crisis including the ESM and TSCG were very salient in all three countries, but for different reasons. In Luxembourg, MPs were worried about the future of their financial place, as well as the budgetary competences of their parliament. However, even though political tensions grew within parliament, polarisation trends remained non-existent. The absence of political competition and clear ideological gaps was reflected in parliamentary activity. Both majority and opposition MPs scrutinised only moderately the treaties in the Chamber of Deputies. In Austria and Finland, Eurosceptic opposition MPs fuelled heated debates on parliamentary sovereignty and the need to include citizens in the decisions. The polarisation of opinions between opponents and proponents of the ESM and the TSCG attracted general attention on the treaties and increased their salience on the national level. However, the salience of both treaties affected parliamentary activity differently. In the National Council, MPs from both the Eurosceptic and pro-European opposition actively scrutinised their government. Within the Eduskunta, PS MPs were the sole scrutinisers, while the broad majority supported the government and abstained from using scrutiny tools. Therefore, the correlation applies only for the National Council in the case of the economic crisis. The table hereunder sums up our findings.

**Table 24: Activity level in the three chambers during treaty negotiations related to their salience and ideological polarisation**

	Chamber of Deputies, Luxembourg	National Council, Austria	Eduskunta, Finland
<b>Constitutional Treaty</b>			
<i>Salience</i>	High	Moderate	Moderate
<i>Polarisation</i>	Low	Low	Low
<i>Activity level</i>	High	Low	High
<b>Lisbon Treaty</b>			
<i>Salience</i>	Low	High	Low
<i>Polarisation</i>	Low	Moderate	Low
<i>Activity level</i>	Moderate	High	Moderate
<b>ESM/TSCG</b>			
<i>Salience</i>	High	High	High
<i>Polarisation</i>	Low	High	High
<i>Activity level</i>	Moderate	High	Moderate

Source: Own calculations.

We observe here that countries' positions on European integration combined with the nature of their political systems (consensual vs conflictual) determined MPs' salience perception of the respective treaties. However, salience was not the main determiner of the level of parliamentary activity during EU and intergovernmental treaty negotiations, but played a significant role. The motivations behind parliamentary activity show that political dynamics and sociodemographic factors were the two main explanatory factors in all three cases, determining at the same time how salient a treaty would become on the national level.



### *8.3.2 Main explanatory factors of parliamentary activity during EU treaties and intergovernmental treaties on the EMU*

After the comparative analysis of the strength of scrutiny systems, we will outline political dynamics within and outside parliaments, but also MPs' sociological profiles, because we assume that they significantly affected parliamentary activity.

#### **Parliamentary culture: majority/opposition dynamics on EU affairs**

As seen earlier, political dynamics within parliament or parliamentary culture as March and Olsen call it<sup>550</sup>, depend on the type of political system in each country, but also on the ideological distance between the parties and the general government-parliament relations.

We saw that Luxembourg kept its consociational and consensus-based system on EU affairs throughout the period under analysis, while Austria and Finland became more competitive. These trends are therefore also reflected in the way government parties interact with the opposition in parliament. Overall, in all three parliaments, the government narrowly supervised discussions on the four treaties. Firstly, MPs from coalition parties had a better access to information than opposition parties. In addition to the official information transferred from the government to parliament, majority MPs benefit from direct contacts with their ministers. Indeed, the latter participate in group and party meetings, providing useful information during informal exchanges. Moreover, the larger size of majority groups provides them with more financial and personnel resources that give them an advantage in terms of influence capacities. MPs receive ex-ante information and have more time to deal with EU dossiers. They also benefit from expert support from ministries, while opposition MPs have to rely on their own resources or external support from the civil society, the media or Constitutional Courts. During treaty ratification processes, the government usually obtained support from a large majority in parliament, be it from its own majority or the additional support of the pro-European opposition. The only exception was the vote in the National Council on the ESM, which requested the support of an additional opposition group so that the majority could ratify the treaty with the two-thirds majority rule. In all three cases, governmental coalitions were so largely represented in parliament that opposition had almost no chance to counteract the governments' ratification proposals.

Secondly, governments could systematically rely on their majorities in parliament through their affiliated committee chairpersons. Indeed, in the Chamber of Deputies, the EAC chair occupied his position during the period under analysis and came from the majority party LSAP. During the scrutiny of the ESM and the TSCG, the chair of the Finance Committee came from the coalition party CSV. Within the National Council, both ÖVP and SPÖ shared the chairs of the EACs and the Finance Committee. During negotiations on the Constitutional Treaty, the ÖVP chaired both EACs, ensuring the pro-European government line in parliament. During discussions on the Lisbon Treaty, the majority party SPÖ chaired the EU-Main

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<sup>550</sup> March and Olsen (1998) characterise parliamentary culture as relations between parliamentary actors, that can be either consensual or conflictual.

Committee, while the ÖVP chaired the EU Sub-Committee. The Finnish Parliament is the only case that had a GC chair from the opposition party KOK during negotiations on the Constitutional Treaty and from the SDP during negotiations on the Lisbon Treaty. The majority party SDP chaired the Foreign Affairs Committee until 2007. After 2007, the SDP chaired the GC until the economic crisis. Even though in the opposition, we can assume that the SDP's pro-European agenda still strengthened the Government's EU policy. The majority party KOK chaired both the Foreign Affairs Committee and the Finance Committee during discussions on the ESM and TSCG. Overall, we observe that pro-European parties from the majority or parties used to participate in coalitions (in Finland) kept control over discussions on the treaties. Through chairmanships in the key committees dealing with the treaties, government parties also affect the general direction of the discussions. Therefore, parliamentary activity is impacted in the sense that majority MPs know that their influence is considerable through the control of the most renowned committees in parliament. Their attitude remains passive towards government positions, because their large majority secures the needed support. Opposition MPs have to find other channels of influence and scrutiny tools to affect decisions.

Thirdly, the nomination of rapporteurs on each treaty also demonstrates the government's influence on parliamentary discussions. With the exception of the Eduskunta, the Chamber of Deputies and the National Council chose rapporteurs for all the treaties. In the Finnish parliamentary system, single MPs do not draft reports, rather whole committees with the help of the parliamentary administration. Therefore, the committee chairs mostly exert the influence on committee reports. In the Chamber of Deputies, an LSAP MP was responsible to draft reports on the ratification laws of the Constitutional Treaty and the Lisbon Treaty. The CSV nominated one rapporteur for both the ESM and the TSCG. Within the National Council, the ÖVP and the SPÖ shared once again rapporteurships. ÖVP MPs were responsible to draft the reports on the ratification law of the Constitutional Treaty and the ESM, while SPÖ MPs drafted reports on the Lisbon Treaty and the TSCG. Both in the Luxembourg and Austrian chambers, groups from the governmental majority closely monitored the treaties through their rapporteurs. The following table sums up our findings concerning committee chairmanships and rapporteurships on the treaties per parliament.

**Table 25: Committee chairmanships and rapporteurships on the treaties per chamber**

	<b>Chamber of Deputies, Luxembourg</b>	<b>National Council, Austria</b>	<b>Eduskunta, Finland</b>
<b>Committee chairmanships during treaty negotiations</b>			
<b>Constitutional Treaty</b>	EAC: LSAP (majority)	EU-HA*: ÖVP (majority) EU-UA**: ÖVP (majority)	GC: KOK (opposition) FA: SDP (majority)
<b>Lisbon Treaty</b>	EAC: LSAP (majority)	EU-HA: SPÖ (majority) EU-UA: ÖVP (majority)	GC: SDP (opposition)
<b>ESM/TSCG</b>	EAC: LSAP (majority) COMFI: CSV (majority)	EU-HA: SPÖ (majority) EU-UA: ÖVP (majority) COMFI: ÖVP (majority)	GC: SDP (majority) FA: KOK (majority) COMFI: KOK (majority)
<b>Rapporteurships on EU treaties and intergovernmental treaties on the EMU</b>			
<b>Constitutional Treaty</b>	LSAP (majority)	ÖVP (majority)	Committee reports
<b>Lisbon Treaty</b>	LSAP (majority)	SPÖ (majority)	Committee reports
<b>ESM/TSCG</b>	CSV (majority)	ESM: ÖVP (majority) TSCG: SPÖ (majority)	Committee reports

Notes: \* EU-HA: EU-Main Committee

\*\*EU-UA : EU-Sub Committee

Source : Own calculations.

If we analyse now in detail who was more active during treaty negotiations, we conclude without surprise that it was mostly opposition MPs. A reason for this is the fact that majority MPs already benefitted from an information advantage and largely supported governmental positions. Moreover, as discussed earlier, the involvement level of opposition and majority MPs also depended on the salience level of each treaty. The higher the salience of a treaty, the higher the polarisation of ideological positions. The opposite is also true. Indeed, the more an EU issue polarises parties and the more competitive the party relations become, the more opposition MPs will try to influence the decision-making process in parliament. As we explained in the first section of this chapter, the activity level of majority and opposition MPs depended highly on how consensual or competitive the political system became in each country. At this stage, we have to specify that the composition itself of majority and opposition forces, as well as the relations between them, continuously changed in each country over the period under analysis. Therefore, political dynamics were never the same from one legislative period to another.

In the Chamber of Deputies, majority and opposition used scrutiny tools alternatively depending on the treaty and the level of consensus among parties. During discussions on the Constitutional Treaty, both majority and opposition MPs equally used scrutiny tools, but only to ask for information from the government. The ideological proximity between most parties was higher with respect to the Constitutional Treaty than the other treaties. At that time, pro-European parties such as the CSV and the LSAP still dominated the political landscape and were supported by a predominantly pro-European opposition. The highly consensual atmosphere on EU affairs in 2004-2005 explains why single majority MPs had more leeway to scrutinise their own government. The absence of political tensions encouraged single majority MPs to follow personal motives by setting aside their political affiliation. Pro-European opposition MPs were the most active government scrutinisers during the Lisbon Treaty, again without the aim to harshly criticise the government. At that time, the sovereignist party ADR started to criticise more systematically the institutional changes ensuing from the Lisbon Treaty, but they were facing a large pro-European majority composed of the CSV, LSAP, DP and Déi Gréng. During the economic crisis, both pro-European and sovereignist opposition MPs used scrutiny instruments. This time, ideological divergences appeared between ADR, Déi Gréng and coalition MPs, but also within the LSAP-CSV coalition. The growing tensions forced majority MPs to observe group discipline and limit government scrutiny. On the contrary, speeches in plenary debates on all the treaties did not show any clear domination of the majority over the opposition. Rather, debates showed the predominance of pro-European positions, be they from the majority or the opposition, thereby reflecting Luxembourg's deeply rooted consensual political system. Over the period under analysis, successive coalition governments stayed the same and followed the same political line on EU affairs, despite some disagreements during the ESM and the TSCG.

Within the National Council, the composition of majority and opposition were quite fluctuant between 2004 and 2015. Overall, the distinction between opposition and majority was clearer in the Austrian Parliament. During discussions on the Constitutional Treaty, the

opposition was composed only of pro-European groups, while the Eurosceptic FPÖ was in the majority. This explains why pro-European opposition MPs were the most active scrutinisers. The ÖVP-FPÖ coalition was split between 1999 and 2005 on EU policies. The FPÖ gradually strengthened its Eurosceptic discourse. While the party agreed on future EU-enlargements under specific conditions in its electoral programme in 2002<sup>551</sup>, it rejected Turkey's accession in its 2004 electoral programme for the European elections. Despite growing ideological divergences within the coalition and with the pro-European opposition, the FPÖ voted in favour of the Constitutional Treaty, probably under the political pressure of its coalition partner. When the FPÖ shifted into opposition after 2005, the dynamics changed and subsequently parliamentary involvement. Indeed, FPÖ and BZÖ MPs were the most active scrutinisers of the Lisbon Treaty, the ESM and the TSCG. Ideological polarisation and political tensions grew between pro-Europeans and Eurosceptics. While pro-European opposition MPs tended to support the coalition, the Eurosceptic FPÖ repeatedly used the scrutiny tools to criticise the government and requested to respect Austria's sovereignty and neutrality. At some occasions, single majority MPs submitted questions, resolutions and motions on all treaties. However, the amount of scrutiny tools used by single majority MPs diminished during the economic crisis in a context of higher political tensions with the Eurosceptic opposition. Even within the SPÖ-ÖVP coalition, ideological divergences started to appear during the economic crisis. The TSCG fuelled harsh criticism on the side of the SPÖ and the Greens on the scope of the austerity measures. The pro-European camp composed of the SPÖ, ÖVP and the Greens, which usually agreed unanimously on the previous treaties, became divided on the TSCG. While the successive coalitions could count on large support from the pro-European opposition<sup>552</sup>, this support became less obvious with the TSCG. The increased polarisation between the parties pushed the Greens to scrutinise more often the government and to express their discontent through parliamentary motions. The loss of the Greens' backing put a strain on the legitimacy of the SPÖ-ÖVP's EU policy. In the end, the SPÖ voted in favour of the TSCG, probably for the same reason as the FPÖ on the Constitutional Treaty: to artificially maintain the credibility of the government.

Majority and opposition forces changed substantially from one legislative period to the other, due to the pluralist political system in Finland. From 2003 until 2015, pro-European parties were largely represented in government and in the parliamentary majority. The opposition was constituted mostly of the Eurosceptic PS and some pro-European parties such as the VIHR or KOK, which switched in and out of new coalition formations during the studied period. Discussions on the Constitutional Treaty in the Finnish Eduskunta centred on the potential organisation of a national referendum supported both by the pro-European and Eurosceptic opposition. At that time, the KESK and SD represented the pro-European majority, while the pro-European KOK landed in the opposition. The ideological closeness of all the parties on EU affairs facilitated consensus and compromises on the Constitutional Treaty. Single MPs from time to time submitted dissenting opinions in a bid to express their

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<sup>551</sup> FPÖ, Programm 2002, Wir gestalten Österreich mit Sicherheit

<sup>552</sup> Under the ÖVP-FPÖ coalition until 2005, the SPÖ and the Greens supported any initiatives towards deeper European integration and welcomed the Constitutional Treaty. Under the SPÖ-ÖVP coalition from 2005-2013, the Greens supported the Lisbon Treaty and the ESM.

disagreement with a majority-led committee opinion. However, these opinions did not have a big impact on parliamentary activity. The Lisbon Treaty and the economic crisis triggered more activity among Eurosceptic opposition MPs. In particular, the higher polarisation of opinions on the ESM and the TSCG encouraged the PS to become more active. After the 2011 elections, the PS gained substantial seats in parliament, but also faced a larger coalition composed of the biggest pro-European parties in Finland. The substantial popularity gain of the PS pushed its MPs to get involved in a campaign of criticism against the Finnish Government. These evolving trends are also reflected in plenary debates. While majority MPs controlled discussions on the Constitutional Treaty, the gradual growth of the PS and the increasing scepticism towards EU and intergovernmental treaties led to the predominance of Eurosceptic opposition MPs in plenary debates. Moreover, ideological divergences also appeared within the ruling coalition. The SDP and the VAS distanced themselves from the government position on financial help packages before joining the coalition, but also on the ESM once they joined the government. However, contrary to the PS, all government parties were tied to their long-lasting pro-European position, which prevented them of overtly blaming the EU and reject the treaties (Salo, 2018).

In sum, the rise of Eurosceptic oppositions in Austria and Finland destabilised ideologically pro-European mainstream parties and led to growing disagreements within coalitions. The internal political divergences in coalitions formed of pro-European parties, as well as growing dissent among the pro-European opposition towards their government, were triggered by anti-EU discourses of populist parties. Mainstream parties had to adapt their discourses and attitude to the emerging Eurosceptic sentiment. However, they were not able to harshly criticise the EU just like the FPÖ or PS did because of their long-established pro-European political stance. The loss of credibility of Austrian and Finnish governments during the economic crisis gave Eurosceptic MPs the floor in parliament. Majority MPs became more passive, because they were focused on supporting their coalition in a bid to save their government's crumbling legitimacy in EU politics. Therefore, this behaviour is reflected in parliamentary activity, especially in the Austrian National Council and the Finnish Eduskunta. The table hereunder summarises our findings on the dominant players of parliamentary activity during EU and intergovernmental treaty negotiations. The analysis of the table should take into account the changing political landscapes outlined above. Indeed, majorities and oppositions were not identical from one treaty to the other.

**Table 26: Comparative assessment of the role of majority and opposition in parliamentary activity during each studied treaty**

	Constitutional Treaty	Lisbon Treaty	ESM/TSCG
<b>Chamber of Deputies, Luxembourg</b>			
<b>Composition majority vs opposition</b>	Majority: CSV, LSAP Opposition: DP, ADR, Déi Gréng	Majority: CSV, LSAP Opposition: DP, ADR, Déi Gréng	Majority : CSV, LSAP Opposition : DP, ADR, Déi Gréng, Déi Lénk
<b>Scrutiny tools</b>	Majority + Opposition	Pro-European opposition	Opposition (pro-European and sovereignist)
<b>Plenary debates</b>	Majority + Opposition	Majority + Opposition	Majority + Opposition
<b>National Council, Austria</b>			
<b>Composition majority vs opposition</b>	Majority: ÖVP, FPÖ-BZÖ Opposition: SPÖ, Grüne	Majority: SPÖ, ÖVP Opposition: FPÖ, BZÖ, Grüne	Majority: SPÖ, ÖVP Opposition: FPÖ, Grüne

<b>Scrutiny tools</b>	Pro-European opposition	Eurosceptic opposition	Eurosceptic + Pro-European opposition
<b>Plenary debates</b>	Pro-European opposition	Eurosceptic opposition	Eurosceptic opposition
<b>Eduskunta, Finland</b>			
<b>Composition majority vs opposition</b>	Majority: KESK, SD, SFP Opposition: KOK, PS, VAS, VIHR, KD	Majority: KESK, KOK, VIHR, SFP Opposition: SD, VIHR, VAS, PS, KD	Majority: KOK, SD, VAS, VIHR, SFP, KD Opposition: KESK, PS
<b>Scrutiny tools</b>	Pro-European + Eurosceptic opposition	Eurosceptic opposition	Eurosceptic opposition
<b>Plenary debates</b>	Majority	Majority + Opposition	Eurosceptic opposition

Source: Own calculations.

The nature of the treaties seemed to affect parliamentary involvement. Luxembourgish MPs were generally in favour of European integration and did not question the EU treaties on the institutional functioning of the EU. Some tensions started to appear on the intergovernmental treaties regarding the solidarity question, but stayed at the level of mere controversial debates rather than real political conflicts. In Austria, the Lisbon Treaty, but also the ESM and the TSCG, had considerable implications for two elements that Eurosceptic opposition MPs cherished: the country's sovereignty and neutrality. In light of these observations, it is not surprising that the FPÖ and BZÖ proactively criticised these treaties and increased their parliamentary participation. The intergovernmental help packages also raised doubts among the coalition partners SPÖ and ÖVP, as well as the usually pro-European Greens. The last treaties put a strain on political relations within the pro-European majority. Just as in Austria, the Finnish Eurosceptic opposition started to see the Lisbon Treaty as a threat to Finland's sovereignty. The ESM and the TSCG represented even bigger threats due to their intergovernmental nature and the imperative for Finland to contribute financially to the European solidarity principle.

Thus, we observe that there is a close link between the salience level of treaties, ideological polarisation (depending on MPs' position on the political spectrum) and parliamentary activity. Therefore, we can confirm hypothesis H1 for our cases. Indeed, the stronger the consensual features of a political system, the less there is ideological polarisation and the more majority and opposition MPs get equally involved (example: Luxembourg). Both camps agree on similar positions and majority MPs scrutinise their own government for personal instead of political reasons. Reversely, the higher the competitive nature of a political system, the more polarised it becomes and the bigger the gap and tensions between the majority and opposition (example: Austria and Finland). In that case, group discipline seems to play a bigger role and MPs tend to keep to their own side of the political spectrum. Eurosceptic opposition MPs use the scrutiny instruments more "aggressively" to criticise the government, while majority MPs and pro-European opposition MPs support the coalition partners.

### **Socio-demographic characteristics**

The second explanatory factor of parliamentary activity and influence on the salience perception of treaties is MPs' motivations originating from their sociological profiles. Firstly, we will analyse the general features of EAC members compared to the rest of the chambers, assuming that EACs are generally more active in EU affairs. Secondly, we will analyse in detail the profile of key players who followed the four treaties in each chamber. The analysis bases

on interviews with MPs and former MPs, as well as biographies available on each parliament's website or archives. For each treaty, we selected the most active key players according to minutes of committee and plenary debates, when available. Sociological features help us understand what type of players were involved in EU and intergovernmental treaty negotiations and for which reasons.

#### *General socio-demographic features observed during the last legislative period*

Overall, indicators such as MPs' length of mandate, their experience in government or the distribution of local functions help understanding the professionalisation level of EAC members in each chamber, as well as their predisposition to get interested in EU affairs. We assume that the more professionalised an MP, i.e. the longer his/her mandate, the more the MP will be familiar with parliamentary practices, will have accumulated political experience and thus will be detached from pure re-election-oriented prospects. Therefore, senior MPs would be more prone to get involved in EU affairs despite their low attractiveness for voters.

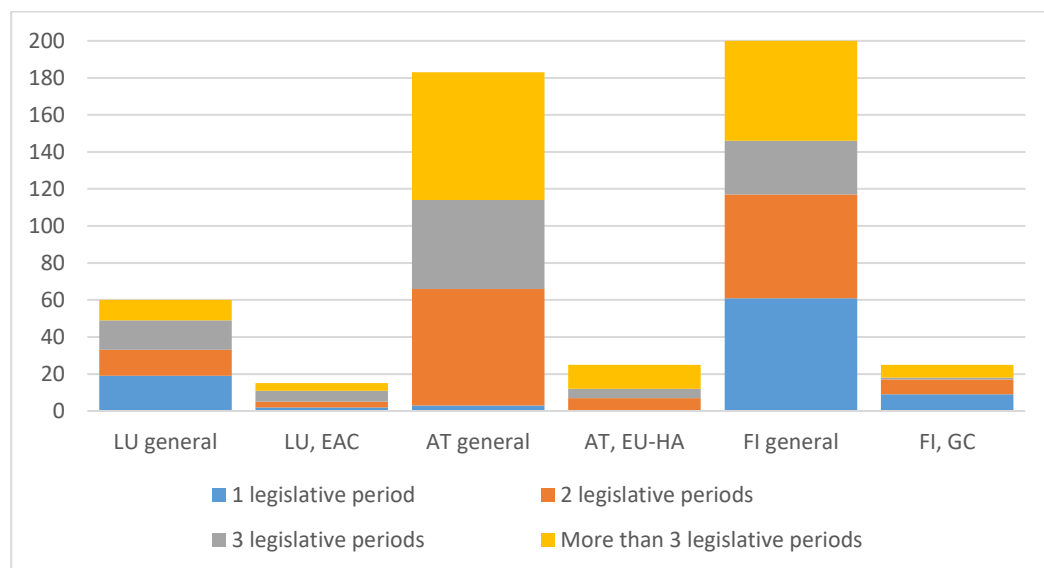
If we compare the length of parliamentary mandates in each chamber, we see that MPs in the Chamber of Deputies tend to have slightly more recent mandates, with 33 MPs exerting their first or second mandate and 27 MPs exerting their third or more mandate by the legislative period 2013-2018<sup>553</sup>. A similar trend can be observed in the Eduskunta, where a substantial proportion of MPs exert recent mandates. 117 MPs exerted their first or second mandate and 83 MPs exerted their third or more mandate by the legislative period 2015-2019. The high proportion of recent MPs can be explained by the success of the PS during the 2015 legislative elections and its entrance in parliament for the first time as a majority party. Within the Austrian National Council, MPs had a higher seniority in parliament by the legislative period 2013-2017. Indeed, 66 MPs exerted their first or second mandate, while 117 MPs exerted their third or more mandate. Therefore, we can say that the Austrian National Council seemed to be more professionalised during the last legislative period than the two other chambers. If we now compare the general length of mandates with mandates of EAC members, we observe diverging trends between our three cases. The graph below illustrates the comparison between the length of mandates of EAC members compared to the whole parliament in each country.

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<sup>553</sup> Own calculations based on MPs' biographical data available on parliament's website.



**Figure 84: Comparison of MPs' length of parliamentary mandates\* in EAC compared to the rest of the parliament (in total)**



Source: Own calculations.

\*The length of parliamentary mandates was calculated based on data available during the last legislative periods for each parliament as of 2018. In Luxembourg, we took the legislative period of 2013-2018; in Austria we took the legislative period of 2013-2017; in Finland, we took the legislative period of 2015-2019. Therefore, the data might show different trends compared to parliaments' composition during EU and intergovernmental treaty negotiations.

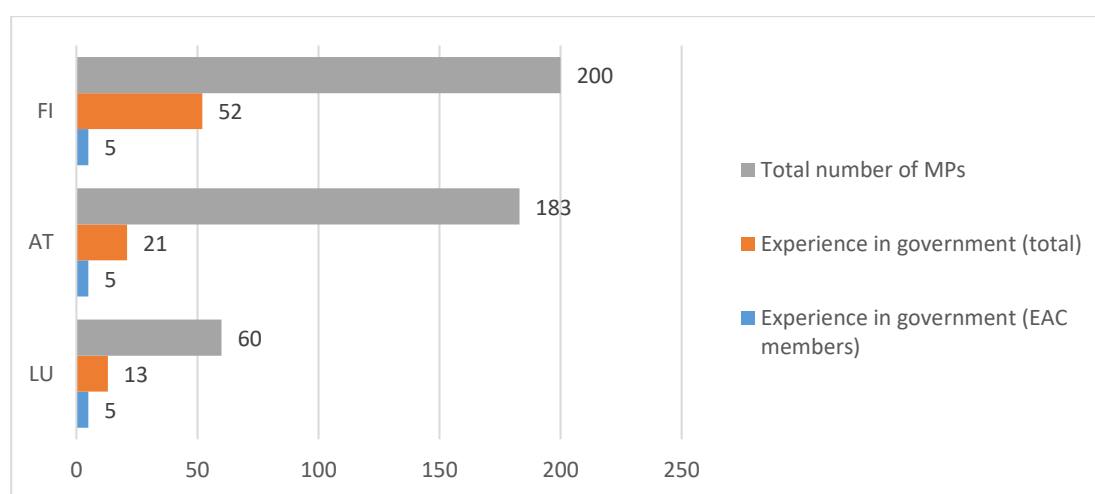
Within the Chamber of Deputies, more than half of the 15 EAC members exerted their third or more mandate by 2013. Among MPs that exerted more than 3 mandates in the Chamber of Deputies, 36,4% came from the EAC<sup>554</sup>. Thus, senior MPs tend to be more represented in the EAC than recently elected MPs. The professionalisation level of Austrian EAC members is also higher than the average. Among the 25 EU-Main Committee members, 13 have been in parliament for more than 3 legislative periods by 2013. Finnish GC members illustrate an opposite trend mirroring the general composition of the parliament. A bigger proportion of GC members exerted their first or second mandate by 2015, probably because a substantial amount of newly elected PS MPs joined the committee. Overall, Luxembourg and Austrian EAC members seemed to be more professionalised in EU affairs during the last legislative period than Finnish GC members. This might have had an impact on parliamentary work in EU affairs, because senior MPs have more knowledge on scrutiny procedures related to EU policy than recently elected MPs. Moreover, senior MPs might benefit from more information from diversified resources thanks to the network of contacts that they built on the EU level during their prior mandates. The professionalisation level also affects MPs' behaviour towards EU affairs. While senior MPs would be more prone to pursue personal convictions and focus on EU affairs as such, recently elected EAC members might still be more interested in re-election and focused on political strategies.

Prior experience in government is another indicator that affects MPs' involvement in EU affairs. To some extent, it also affects their professionalisation level in parliament,

<sup>554</sup> Own calculations.

especially if they exerted political functions close to EU affairs prior to their parliamentary mandates. If we compare our three cases, we find out that Finnish MPs had the most experience in government (26%), followed by Luxembourgish MPs (21%) and Austrian MPs (11,5%)<sup>555</sup>. The low percentage among Austrian MPs is surprising, considering that party politics plays a significant role in Austria. In Finland, despite a high number of newly elected PS MPs without government experience, the proportion remains high. This could be explained by the large coalitions that recruit ministers among several parliamentary groups and the regular changes in ministerial positions, which gives a higher chance to MPs to become minister at some point in their political career. The graph below illustrates the proportion of EAC members with prior experience in government compared to the rest of parliament.

**Figure 85: Comparison of EAC members' experience in government\* compared to total number of MPs with experience in government (in total)**



Source: Own calculations.

\* MPs' prior experience in government was calculated based on data available during the last legislative periods for each parliament as of 2018 (see note of previous graph).

While Finnish MPs have comparatively more experience with government affairs, the trend is reversed when we compare government experience among EAC members. Indeed, all three EACs have the same amount of MPs with prior government experience. However, the numbers in total show that Luxembourgish and Austrian EAC members have certainly more experience than Finnish GC members. Within the Chamber of Deputies, 38,5% of MPs with prior government experience belong to the EAC. In Luxembourg, the parliamentary mandate often serves as a springboard for ministerial positions. Austrian EU-Main Committee members represent 23,8% of MPs with prior government experience, while only 9,6% of Finnish MPs with government experience belong to the GC<sup>556</sup>. Overall, we observe that government parties might exert more influence on EACs in the Luxembourg or Austrian chambers than in the Finnish Eduskunta. The fact that several EAC members were ministers prior to their parliamentary mandate might affect their opinion on and involvement in parliamentary scrutiny of EU affairs. Indeed, they might be more supportive of their government's EU policy, be they

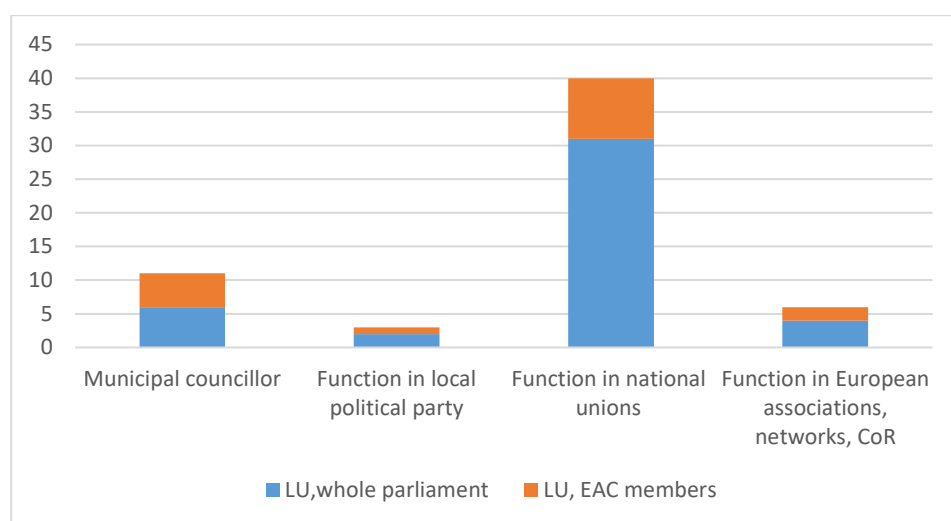
<sup>555</sup> Own calculations based on biographical data.

<sup>556</sup> Ibid.

from the opposition or the majority. Previous government members might have the feeling to belong to a privileged circle of elites that kept in touch with the contact network that they built when they occupied a ministerial position.

Finally, the distribution of local, national and European functions on top of their parliamentary mandate indicates that EAC members' profiles reflect more or less general trends observed in each parliament. The graph below illustrates the distribution of extra-parliamentary functions among EAC members compared to the whole parliament. Within the Luxembourg Chamber of Deputies, we see in the graph below that MPs are mainly members in a national union or representatives in a local municipality.

**Figure 86: Number of EAC members with extra-parliamentary functions among total number of MPs with extra-parliamentary functions, Chamber of Deputies (in total)**



Source: Own calculations.

If we check the profiles of EAC members according to these criteria, we find that the proportions increased in all categories, except memberships in national unions, which still remain the most common positions. Overall, EAC members mainly occupy two types of extra-parliamentary functions in municipal councils and national unions. Among the 40 MPs within the chamber that occupy parallel functions in national unions, 9 come from the EAC. 33,3% of EAC members are municipal councillors compared to 18,3% of MPs in the whole parliament<sup>557</sup>. This can be explained by the double-mandate policy in parliament. MPs' functions as local representatives provide them with a higher chance of re-election than local party affiliation, because the proportional electoral system favours individualised campaigns. Therefore, the proximity with voters is ensured through local representative mandates. EAC members occupy more European functions than the average MPs. However, their proportion remains low considering that Luxembourg is an active supporter of European integration. Indeed, only 13,3% of EAC members have functions on the EU level<sup>558</sup>. The low proportion of functions in local parties is also reflected in EAC members' profiles. Overall, these features illustrate

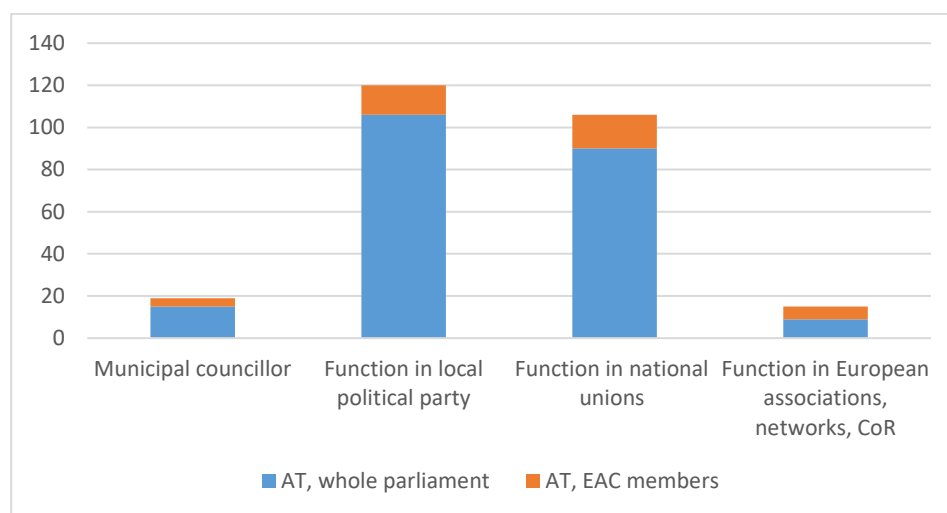
<sup>557</sup> Own calculations based on biographical data.

<sup>558</sup> Ibid.

Luxembourg's political system centred on neocorporatism and geographical proximity with the voters.

Within the National Council's EU-Main Committee, we observe without surprise that positions in local parties and national unions play a significant role in MPs' profiles, including EAC members.

**Figure 87: Number of EAC members with extra-parliamentary functions among total number of MPs with extra-parliamentary functions, National Council (in total)**



Source: Own calculations.

As we saw earlier, the proximity of political elites with trade union organisations illustrates the Austro-corporatist model. MPs' close ties with their local parties is due to the fact that political parties play a predominant role in the Austrian political system. Political affiliation is thus essential for MPs to progress in their political career. Just as in the Luxembourg Chamber, the two most represented functions (local party and national unions) also constitute the main features of EAC members' profiles. Members of the EU-Main Committee have proportionally more functions in municipalities, national unions and European associations than the rest of MPs in parliament<sup>559</sup>. Only the proportion of EAC members with functions in local parties decreased compared to the rest of MPs<sup>560</sup>, which could indicate that EAC members are more detached from party politics on the local level. They focus more on national or European politics.

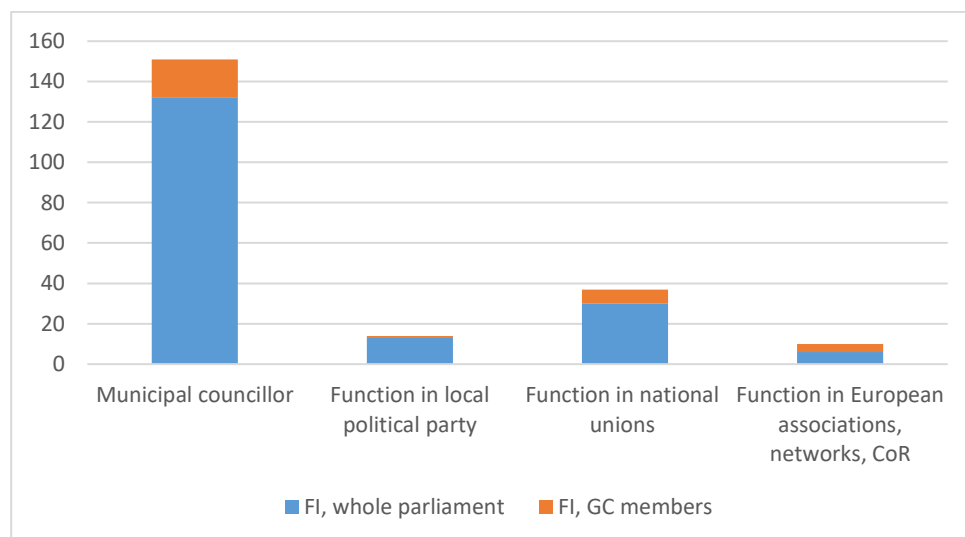
The distribution of extra-parliamentary functions among Finnish MPs resembles Luxembourgish MPs, but to a different extent. Indeed, the graph below shows that just as in the Chamber of Deputies, MPs tend to have more functions in municipalities and trade union organisations. Municipal councillors represent 151 out of 200 MPs (75,5%) in the Eduskunta

<sup>559</sup> Own calculations based on biographical data. 16% of EU-Main Committee members are municipal councillors, 64% are member of a national union and 24% are member of a European association or body, while respectively 10,3% of MPs in the whole parliament are municipal councillors, 58% are member of a national union and 8,2% are member of a European association or body.

<sup>560</sup> Own calculations. 56% of EU-Main Committee members have functions in local parties while 65,6% of MPs in the whole parliament have the same functions.

and 19 out of 25 GC members (76%)<sup>561</sup>. This feature can be explained by the proportional electoral system that favours individual candidates and personalised campaigns, just as in Luxembourg. Therefore, MPs depend on their own popularity to gain votes, rather than on their party. Among Finnish MPs, local party affiliations are thus very low. Just as in Luxembourg, neocorporatist practices and the strong power of the local level in the Finnish state system influence the composition of the Eduskunta and specifically the GC.

**Figure 88: Number of GC members with extra-parliamentary functions among total number of MPs with extra-parliamentary functions, Eduskunta (in total)**



Source: Own calculations.

Profiles of GC members reflect the general trend in parliament. Functions in municipalities and national unions also count among the most represented within the GC. Moreover, just as in the Luxembourg and Austrian chambers, functions in European associations are more common among GC members than among the rest of MPs in parliament.

To conclude, we observed that EAC members' profiles reflect the sociological features of their parliament. In each case, the nature of the political system substantially affects MPs' extra-parliamentary functions. Neocorporatism, the electoral system and the importance given to party politics influenced parliaments' composition. MPs' seniority level and their prior experience in government indicate their professionalisation level and governments' influence on parliamentary activity. We observe that the above-mentioned socio-demographic features played a more or less crucial role in MPs' involvement during treaty negotiations. Indeed, the more MPs hold local or national-based functions, the more they might emphasise domestic instead of European issues.

<sup>561</sup> Own calculations based on biographical data.

### *Socio-demographic features of key players active during EU and intergovernmental treaty negotiations*

Even though the sociological characteristics outlined above concern the last legislative period, EAC members' profiles did not change substantially. We chose to focus on EAC members, because they tended to be the most competent players in parliament to deal with EU affairs. In the present section, we will check which key players were the most involved for each treaty. We will then analyse MPs' professionalisation level in EU affairs, as well as their relationship with the government, the EU level, their party or national unions. These elements will tell us more about the typical profiles of key players and their motivations.

The analysis of key players' profiles brought to light multiple similarities between the three parliaments, even though the level of parliamentary activity was different. We distinguished two ideal-typical profiles of key players involved in the scrutiny of EU and intergovernmental treaties: 1) "pragmatic users" of EU affairs instrumentalising the treaties to satisfy domestic interests and 2) MPs socialised into European norms promoting European integration. We base our first category on an article of Raunio and Wiberg (2001), who argue that the concept of Europeanisation should be replaced by "pragmatic adaptation" in the case of Finland. By "pragmatic adaptation", they understand "the emphasis on defending national economic and political interests in the EU" (Raunio/Wiberg, 2001, p.24). Applied to the micro level (i.e. MPs), we argue that sectoral committee members who get involved in EU affairs are not motivated by their personal belief in European integration, but rather by the defence of national interests. Therefore, they instrumentalised the treaties to promote rational domestic preferences by following political strategies. "Pragmatic users" were typically sectoral committee members and opposition MPs with recent mandates and an absence of experience in EU affairs, who focused on re-election objectives through the mediatisation of EU affairs to seek popular support.

The emergence of "pragmatic users" as active key players during negotiations on the studied treaties is strongly correlated to the salience perception of treaties and the country's political system that encouraged polarisation trends or not. Indeed, the higher the salience of a treaty for specific players, the more competitive a political system and the more domestic interests are at stake, the wider the ideological gap will grow and "pragmatic users" will become active to defend their political interests. These observations confirm arguments from the theory of Historical Institutionalism, according to which agents' preferences are products of their institutional context and interactions between structures and other agents. Complementing this approach, Sociological Institutionalism affirms that behaviour depends on agents' rational calculations and their ideas. In the present thesis, the involvement of "pragmatic users" depends on how they prioritise aspects of European integration as well as the degree of ideological competition emerging on EU affairs. The wider the ideological gap between parties on European integration, the more recently elected MPs will instrumentalise matters to raise attention among voters. They use EU affairs to emphasise domestic-centred priorities close to their political programme and to make themselves visible on the national level. Overall, we can say that there is a link between the salience level of EU treaties and the involvement of "pragmatic users".

MPs socialised into European norms or MPs with “Europeanised” profiles are usually senior EAC members seen as EU experts with extensive professional and personal experience in EU affairs. Majority MPs with this type of profiles are also more prone to have prior experience in government, sometimes in related fields. EU experts are more legitimate and credible to follow EU treaties, because their fellow MPs see them as more competent. Often they hold EU-Speaker positions, are EAC Chairs or participate in interparliamentary conference formats on the EU level. MPs socialised into EU norms tend to be autonomous players in the sense that they are detached from political competition and less dependent on party affiliation. Whenever they decided to scrutinise the treaties, even controlling their own government, they did it because of personal convictions rather than political strategies.

Our observations reflect previous studies carried out in political sociology on the Europeanisation of career paths (Georgakakis and De Lassalle, 2006; De Lassalle and Georgakakis, In: Rowell and Mangenot, 2010; De Lassalle, In: Rowell and Mangenot, 2010). For instance, Georgakakis and De Lassalle (2006) analyse the Europeanisation of political and administrative career paths in the European Commission. In this framework, they check whether actors stay attached to national values and cultures or get socialised into European values by defending the “Community’s interests”. This analysis turns out to reflect MPs’ career patterns in national parliaments. Indeed, based on criteria such as prior professional and political experiences linked to EU affairs or institutions, memberships in European associations or international educational backgrounds, the authors conclude that EU specialists acquired European competences thanks to an accumulated “international capital” (Georgakakis and De Lassalle, 2006). Their professionalisation in EU affairs happened through the creation of “European properties or resources” (De Lassalle and Georgakakis, In: Rowell and Mangenot, 2010) during their career. This argument can be applied to the case of MPs with “Europeanised” profiles, because they distinguish themselves from the rest of the parliament with a certain social and political capital linked to EU affairs. This category of MPs tends to promote European rather than national interests. According to Sociological Institutionalism, the institutional framework defines agents’ actions. Institutions contribute to the formation of identities and beliefs. Indeed, MPs built their expertise in EU affairs and thus their identity and role as EU-experts through their long-term political career within parliament. MPs’ socialisation process into EU norms as outlined by the Sociological Institutional Theory gave them the needed legitimacy to quasi monopolise EU affairs in the chambers.

The two identified ideal-typical profiles include several sub-types of roles that Rozenberg (2018) described in detail based on Searing’s work (1994). Our purpose was not to analyse these sub-roles, but we can at least partially rely on some of Rozenberg’s findings. Indeed, the author distinguishes four roles that MPs endorse when dealing with EU affairs: “constituency member”, “policy advocate”, “ministerial aspirant” and “parliament man” (Rozenberg, 2006 and 2018). If we generalise our findings according to this classification of roles, we observed that “MPs socialised into EU norms”, i.e. the most active EU experts mainly from the pro-European majority and opposition, can be considered as “policy advocates”. In the Luxembourg Chamber of Deputies, these “policy advocates” were primarily pro-federalist MPs who also pushed for institutional change. In the Austrian and Finnish chambers, the role can be applied to MPs specialised in EU affairs, mainly EAC or GC members. Some of them were



EAC or GC chairs and participated in the EU-accession negotiations. On the contrary, the identified “pragmatic users” of EU affairs endorsed either the role of “sovereignists” or of “ministerial aspirants”, with few being “policy advocates”. In particular, Eurosceptic opposition MPs in the Austrian National Council and the Finnish Eduskunta tended to defend national-based interests, i.e. national sovereignty, mostly for the sake of re-election. These MPs were not genuinely interested in EU affairs, but instrumentalised specific matters linked to domestic priorities to attract voters and increase their individual or party reputation in a bid to get (re-) elected on the base of their activism in parliament. In the Luxembourg Chamber of Deputies, “policy advocates” outnumbered “sovereignists” during the discussions on the treaties and parliamentary reforms. The main reason was certainly the high awareness and consensus about the importance of the EU for Luxembourg that limited the emergence of domestic-based interests. Only few MPs from the Eurosceptic opposition in Austria and Finland (FPÖ, PS) were EU-experts.

Within the Chamber of Deputies, MPs with “Europeanised” profiles were the main scrutinisers of all EU and intergovernmental treaties, alongside sectoral committee members in the context of the Constitutional Treaty and Finance Committee members in the context of the ESM and TSCG. The latter two treaties were characterised by their high salience on the national level, which motivated sectoral committee members with “specialised” profiles to get involved as well. The salience of both treaties also motivated Austrian MPs from sectoral committees to engage in scrutiny activities. MPs with “Europeanised” profiles were the most active during the Lisbon Treaty and the economic crisis. In the Eduskunta, the scrutiny of the Constitutional Treaty was monopolised by MPs with “Europeanised” profiles. The Lisbon Treaty also attracted the attention of sectoral committee members on top of MPs from the second ideal-typical category. Finally, specialised MPs (Finance Committee members) monopolised the scrutiny of the ESM and the TSCG due to their technicity. Overall, we cannot confirm that the scrutiny of EU and intergovernmental treaties was monopolised solely by MPs with the most “Europeanised” profiles, which only partially validates sub-hypothesis H2.2. Indeed, the salience of some treaties and subsequent higher political competition motivated MPs from specialised committees to get involved as well.

The table hereunder sums up our findings on key players’ profiles in the context of each treaty.

**Table 27: Comparative assessment of scrutiny key players in the context of treaty negotiations**

	Chamber of Deputies, Luxembourg	National Council, Austria	Eduskunta, Finland
<b>Constitutional Treaty</b>			
<i>Involved parliamentary committees</i>	- EAC - Sectoral committees	- EAC - Sectoral committees	- GC - FA Committee
<i>Key players’ ideal-typical profiles</i>	MPs socialised into EU norms + “pragmatic users”	“pragmatic users”	MPs socialised into EU norms
<b>Lisbon Treaty</b>			
<i>Involved parliamentary committees</i>	EAC	EAC	- GC - FA Committee

<i>Key players' ideal-typical profiles</i>	MPs socialised into EU norms	MPs socialised into EU norms	- Sectoral committees MPs socialised into EU norms + “pragmatic users”
ESM/TSCG			
<i>Involved parliamentary committees</i>	- EAC - COMFI	- EAC - COMFI	- Sectoral committees, mainly COMFI
<i>Key players' ideal-typical profiles</i>	MPs socialised into EU norms + “pragmatic users”	MPs socialised into EU norms + “pragmatic users”	“pragmatic users”

Source: Own summary.

During discussions on the Constitutional Treaty, MPs from the most competent committees in EU affairs were involved in all three parliaments, namely the EACs in the Chamber of Deputies and the National Council as well as the GC and FA Committee in the Eduskunta. MPs from sectoral committees were equally involved in the Luxembourg and Austrian chambers. Within the Chamber of Deputies, two types of key players scrutinised the treaty: EAC members with "Europeanised" profiles and sectoral committee members with specialised profiles. The first had extensive personal experience linked to EU affairs and participated in interparliamentary conferences, which explains why they were more interested in EU topics and were motivated by personal convictions (Interview 3, 11, 2017). Sectoral committee members had mostly leadership positions (in parliament or in the parliamentary group), which shows that they were more focused on representing political interests. Both types of MPs had a high seniority in parliament and therefore a high professionalisation level.

Within the National Council, both EAC members and sectoral committee members held leadership positions, mainly within their group, which illustrates the influence of party politics on parliamentary work. Both categories of key players had also a high seniority in parliament and were familiar with scrutiny procedures in EU affairs. However, contrary to Luxembourgish EAC members, Austrian EU-Main Committee members did not have a "Europeanised" profile and did not participate as much in interparliamentary conference formats<sup>562</sup>. Finnish GC and FA Committee members had similar profiles to those of Luxembourgish EAC members, because they had highly "Europeanised" profiles. Indeed, most had long-term mandates in parliament and had already prepared the EU accession in 1994 (Interview 5b, 10b, 2018). Their extensive knowledge on EU affairs came also from their frequent participation in interparliamentary conferences. Most Finnish key players also held leadership positions in committee or parliamentary groups. This is proof that discussions on the Constitutional Treaty were reserved to a privileged circle of representatives in parliament. While membership in national unions did not play any role in all three cases, government experience was an important feature that might have shaped MPs' motivations in Austria and Finland. In both cases, party politics, the close relationship between parliament and government and regular changes in ministerial positions (in Finland) explain why MPs tend to switch frequently from one institution to the other and have higher government experience.

<sup>562</sup> According to biographical data retrieved from the dedicated section on the National Council's Grand Committee, on the website of the National Council.

The Lisbon Treaty triggered attention only from EAC members in the Luxembourg and Austrian chambers, probably because of the general weariness after the failure of the Constitutional Treaty. Within the Chamber of Deputies, EAC members' profiles entailed the exact same features as in the context of the previous treaty. Motivations to engage in EU affairs originated from personal convictions about the need to support European integration (Interview 4, 21, 2017). Profiles of Austrian EAC members were also the same as previously, with the particularity that Eurosceptic EAC members with "Europeanised" profiles became more active than before<sup>563</sup>. Their motivation was rather to use the EAC arena to criticise the government's position and suggest alternatives to the Lisbon Treaty. Finnish key players came both from the GC, FA Committee and sectoral committees, but their degree of professionalisation in parliament and in EU affairs differed. Indeed, active MPs from the GC and FA Committee had a long-term mandate in parliament, prior experience in government, but participated in fewer interparliamentary conferences (Interview 4b, 5b, 2018). Sectoral committee members had a lower seniority<sup>564</sup> in parliament and thus less knowledge on parliamentary procedures in EU affairs. While majority MPs were more active in sectoral committees, both majority and opposition MPs were equally involved within the GC.

Finally, the economic crisis saw the emergence of similar key players in all three parliaments. Apart from EAC members with the usual "Europeanised" profiles that remained active in the Chamber of Deputies and the National Council, another type of "specialised" key players (the "pragmatic users" of EU affairs) emerged in the three chambers: Finance Committee members (Interview 16a, 18a, 2017). While both categories of players still had a high seniority and thus a high professionalisation level within the Luxembourg chamber, sociological divergences were more pronounced in the National Council and the Finnish Eduskunta. Indeed, unlike EAC or GC members who had a high seniority in parliament and more experience on the EU level, Finance Committee members and key players from other involved sectoral committees had recent mandates in parliament<sup>565</sup>. Their professionalisation level was thus lower than that of EAC members. In all three cases, leadership positions were very common among key players, especially Finance Committee members. Political leaders belonged mostly to the opposition, because they needed to defend their whole party's position in parliament when faced to an influential majority. Moreover, in all three cases, key players from both categories had no prior experience in government, which can be explained by the fact that "younger" MPs were mostly involved and that specialised knowledge played a more important role than political experience. In the Austrian chamber, a high proportion of Finance Committee members were also members of national unions such as professional chambers or trade union organisations. The economic crisis forced national unions to defend their positions through their MPs in parliament. Generally, as political parties are massively represented in

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<sup>563</sup> Calculated based on the number of FPÖ-BZÖ MPs participating in committee and plenary debates and subsequently on their biographical data on the National Council's website.

<sup>564</sup> According to biographical data retrieved from the dedicated section on the Eduskunta's Grand Committee, on the website of the Eduskunta.

<sup>565</sup> Calculated based on the number of Finance committee members participating in committee and plenary debates and subsequently on their biographical data on the National Council's, Chamber of Deputies' and Eduskunta's websites.

professional chambers and trade union organisations, a high proportion of Austrian MPs has a membership in these organisations and tend to be more sensitive to their demands in parliament.

In conclusion, the fact that Austrian and Finnish MPs tend to be closer to the local and national levels certainly influenced the way they perceived the studied treaties. They tended to defend domestic-centred priorities, contrary to Luxembourgish MPs who generally supported deeper European integration. We observed that the higher the salience of treaties and political competition between parties, the wider the awareness about EU affairs grew among MPs and the more non-professional sectoral committee members engaged in the scrutiny of the treaties for pragmatic reasons.

### *8.3.3 Conclusion*

In this section, we saw that the evolution of parliamentary activity in all three parliaments presented some similarities and differences, but depended on the same factors: countries' positions on European integration and dynamics between political actors. Indeed, the salience level was different from one treaty to the other and affected the way parliaments handled EU affairs. While the Constitutional Treaty and the economic crisis were salient in Luxembourg, Austria focused its attention on the Lisbon Treaty and the economic crisis. Parliamentary activity in Finland indicates that the ESM and the TSCG were the most salient of all the treaties. Scrutiny fluctuated accordingly. Moreover, national elections invariably led to a brake in parliamentary activity.

Other factors of parliamentary activity on the micro level were parliamentary culture (consensual vs conflictual) and MPs' socio-demographic features. Overall, government parties tended to dominate the discussions on EU treaties and intergovernmental treaties on the EMU, while opposition MPs tried to use other channels to obtain information and influence decision-making. The higher the competitive political environment, the more key players drew their motivation from rational calculations and preferences, focusing on re-election and popularity gain (confirming the Historical Institutionalist argument). In a competitive environment, EAC members from the majority tended to abstain from scrutinising their own government, sticking to a stronger group discipline. The less salient the treaties and the less political competition among MPs, the less they got interested in scrutinising EU affairs, delegating this task to highly professionalised key players detached from national re-election prospects. The stronger the consociational nature of the political environment, the more key players' motivations to get engaged in the scrutiny of treaties originated from personal beliefs about European integration based on their personal experiences linked to EU affairs (confirming the Sociological Institutionalist argument). The consensual political atmosphere motivated EAC members from the majority to scrutinise their own government for personal reasons rather than for political reasons. Consociational systems such as Luxembourg or Austria before 2005 and Finland before 2011 encouraged key players to be more detached from political affiliations and the imperative of group discipline.

Overall, mainstreaming of EU affairs remained limited to a certain circle of MPs. In Luxembourg, the highly consensual model limited mainstreaming, while the design of the Finnish scrutiny system forced all sectoral committees to give their opinion on each treaty. The most professionalised MPs with extensive personal and political experience in EU affairs tended to be continuously active throughout treaty negotiations, even when the treaties' salience was low. This confirms sub-hypothesis H2.1. The higher the salience of treaties and the more conflictual the political relations, the more MPs with low professionalised profile became active to defend their interests. Therefore, we can also validate sub-hypothesis H2.2. Therefore, parliamentary activity on the micro level was strongly dependent on MPs' positioning on the political spectrum (opposition/majority). The more consensual the political system, the more individual professionalised MPs monopolised EU affairs. On the contrary, the higher the competitive and conflictual nature of the political system, the more MPs from the opposition got involved according to political strategies. The next section will focus on institutional change and its factors. We will see that parliamentary culture and MPs' profiles also play a determinant role in the direction and scope of change within each chamber.

## 8.4 Comparative assessment of institutional change in the Luxembourg, Austrian and Finnish chambers in the wake of EU treaties and intergovernmental treaties on the EMU

The last section of the present chapter focuses on the second dimension of parliamentary involvement: the evolution of scrutiny systems as a consequence of legal developments on parliamentary participation in EU affairs induced by the four treaties. We identified two types of explanatory factors of change: institutional and motivational factors. We will first study the effective change conducted in each parliament between 2004 and 2013. The three chambers differ from each other in terms of the strength of their scrutiny systems and therefore in the way they amended their procedures and structures. The second section will focus on the way MPs' motivations affected institutional change.

### 8.4.1 Institutional factors of institutional change in the three chambers: same direction, but different scope

When we observe the amendments made to the legal bases, parliamentary scrutiny procedures and infrastructures, we notice that the salience of the treaties and the legal developments that they imply somewhat affected institutional change on the national level. The Constitutional Treaty included several provisions on the role of national parliaments that were kept in the Lisbon Treaty. The table hereunder sums up all the provisions on parliamentary participation in EU affairs set on the EU level and their equivalents in both treaties<sup>566</sup>. We exclude from the table the ESM and the TSCG, which set their own rules for parliaments in respectively one and two articles.

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<sup>566</sup> Both treaties can be found under the following links : [https://europa.eu/european-union/sites/europaeu/files/docs/body/treaty\\_establishing\\_a\\_constitution\\_for\\_europe\\_en.pdf](https://europa.eu/european-union/sites/europaeu/files/docs/body/treaty_establishing_a_constitution_for_europe_en.pdf) and <https://eur-lex.europa.eu/legal-content/En/TXT/?uri=CELEX:12007L/TXT> (last accessed 17.06.2019)

**Table 28: Provisions on parliaments' participation rights in the CT and LT**

<b>Treaty establishing a Constitution for Europe</b>	<b>Treaty of Lisbon (Version 2007)</b>
<b>Title III, Union Competences, Article I-11 § 3</b> “National Parliaments shall ensure compliance with that principle in accordance with the procedure set out in that Protocol.”	<b>General provisions, Article 3b §3</b> “National Parliaments ensure compliance with the principle of subsidiarity in accordance with the procedure set out in that Protocol.”
<b>Title III, Union Competences, Article I-18 §2</b> <b>Flexibility clause</b> “Using the procedure for monitoring the subsidiarity principle referred to in Article I-11(3), the European Commission shall draw national Parliaments' attention to proposals based on this Article.”	<b>General and Final Provisions, Article 308</b> “Using the procedure for monitoring the subsidiarity principle referred to in Article 3b(3) of the Treaty on European Union, the Commission shall draw national Parliaments' attention to proposals based on this Article.”
<b>Chapter II, Specific Provisions, Article I-42 §2</b> “National Parliaments may, within the framework of the area of freedom, security and justice, participate in the evaluation mechanisms provided for in Article III-260.”	/
<b>Title VI, The Democratic Life of the Union, Article I-46 § 2</b> “Member States are represented in the European Council by their Heads of State or Government and in the Council by their governments, themselves democratically accountable either to their national Parliaments, or to their citizens.”	<b>Title II Provisions on Democratic Principles, Article 8A §2</b> “Member States are represented in the European Council by their Heads of State or Government and in the Council by their governments, themselves democratically accountable either to their national Parliaments, or to their citizens.”
/	<b>Title II Provisions on Democratic Principles, Article 8 C</b> “National Parliaments contribute actively to the good functioning of the Union [...]”
<b>Title IX, Union Membership, Article I-58 § 2</b> “Any European State which wishes to become a member of the Union shall address its application to the Council. The European Parliament and national Parliaments shall be notified of this application.”	/
<b>Chapter IV, Area of Freedom, Security and Justice, Section 1, Article III-259</b> “National Parliaments shall ensure that the proposals and legislative initiatives submitted under Sections 4 and 5 of this Chapter comply with the principle of subsidiarity, in accordance with the arrangements laid down by the Protocol on the application of the principles of subsidiarity and proportionality.”	<b>Chapter 1, Area of Freedom, Security and Justice, General provisions, Article 61 B</b> “National Parliaments ensure that the proposals and legislative initiatives submitted under Chapters 4 and 5 comply with the principle of subsidiarity, in accordance with the arrangements laid down by the Protocol on the application of the principles of subsidiarity and proportionality.”
<b>Chapter IV, Area of Freedom, Security and Justice, Section 1, Article III-260</b> (whole article)	<b>Chapter 1, Area of Freedom, Security and Justice, General provisions, Article 61 C</b>
<b>Chapter IV, Area of Freedom, Security and Justice, Section 1, Article III-261</b> (whole article)	<b>Chapter 1, Area of Freedom, Security and Justice, General provisions, Article 61 D</b>
/	<b>Chapter 3, Judicial cooperation in civil matters, Article 65 §3</b> “The proposal referred to in the second subparagraph shall be notified to the national Parliaments. If a national Parliament makes known its opposition within six months of the date of such notification, the decision shall not be adopted.”
<b>Chapter IV, Area of Freedom, Security and Justice, Section 4, Article III-273 §1</b>	<b>Chapter 4 Judicial cooperation in criminal matters, Article 69 D §1</b>

“European laws shall also determine arrangements for involving the European Parliament and national Parliaments in the evaluation of Eurojust's activities.”	“These regulations shall also determine arrangements for involving the European Parliament and national Parliaments in the evaluation of Eurojust's activities.”
<b>Chapter IV, Area of Freedom, Security and Justice, Section 5, Article III-276 §2</b> “European laws shall also lay down the procedures for scrutiny of Europol's activities by the European Parliament, together with national Parliaments.”	<b>Chapter 5, Police cooperation, Article 69 G</b> “These regulations shall also lay down the procedures for scrutiny of Europol's activities by the European Parliament, together with national Parliaments.”
<b>Part IV, General and Final Provisions, Article IV-443 §1</b> “The government of any Member State, the European Parliament or the Commission may submit to the Council proposals for the amendment of this Treaty. These proposals shall be submitted to the European Council by the Council and the national Parliaments shall be notified.”	<b>Final provisions, Article 48 §2</b> “The Government of any Member State, the European Parliament or the Commission may submit to the Council proposals for the amendment of the Treaties. These proposals may, <i>inter alia</i> , serve either to increase or to reduce the competences conferred on the Union in the Treaties. These proposals shall be submitted to the European Council by the Council and the national Parliaments shall be notified.”
<b>Part IV, General and Final Provisions, Article IV-444, §3</b> “Any initiative taken by the European Council on the basis of paragraphs 1 or 2 shall be notified to the national Parliaments. If a national Parliament makes known its opposition within six months of the date of such notification, the European decision referred to in paragraphs 1 or 2 shall not be adopted. In the absence of opposition, the European Council may adopt the decision.”	/
<b>Protocol on the role of national parliaments in the European Union</b> (whole protocol)	<b>Protocol on the role of national parliaments in the European Union</b> (whole protocol)
<b>Protocol on the application of the principles of subsidiarity and proportionality</b> (whole protocol)	<b>Protocol on the application of the principles of subsidiarity and proportionality</b> (whole protocol)

Source: Own summary based on the legal texts.

We observed that most discussions on scrutiny rights and most amendments within parliaments happened around these two treaties, probably because the role of national parliaments on the EU level was extensively discussed at that time. On the contrary, the ESM contained only one article on national parliaments (Article 30 §5) and the TSCG mentioned parliaments in two articles (Title III, Article 3 §2 and Title V, Article 13). We can thus assume that the treaties triggered discussions within parliaments about the need to change the scrutiny rules. Within the Luxembourg Chamber of Deputies, EAC members discussed extensively the need to strengthen the parliament's participation rights. However, the implementation of reform ideas was not as fruitful as the discussions. The Chamber of Deputies amended its RoP in 2003 in the wake of the Convention on the Future of Europe and established a chapter on European Affairs mentioning for the first time the prerogatives of the chamber in EU affairs. Moreover, after the parliamentary vote on the Constitutional Treaty, EAC members launched the chamber's "European Strategy" which was adopted in 2006 and aimed to strengthen its participation rights both in theory and in practice. Amendments in the chamber came to a halt until the Lisbon Treaty. The RoP Chapter on European Affairs was renamed in 2007 and a memorandum on the cooperation between government and parliament in EU affairs was added in 2009, in the wake of the Lisbon Treaty. MPs incorporated among others the subsidiarity



monitoring mechanism in the chamber's RoP in 2010. After that date, the following treaties (ESM and TSCG) triggered debates on the preservation of parliament's budgetary powers, but did not lead to any substantial reforms in the Chamber of Deputies. Even though the Luxembourg Chamber of Deputies is considered as having one of the weakest scrutiny systems in the EU, amendments did not reflect a strong will to change the situation. As we will see in the next section, single MPs pushed towards institutional change, but their efforts remained at the stage of suggestions.

Within the Austrian National Council, the Constitutional Treaty was not salient enough to justify reforms of the parliamentary scrutiny system. The only change carried out in 2005 was a reorganisation of departments in the parliamentary administration handling EU affairs. The Lisbon Treaty and the ESM triggered substantial procedural change. Indeed, in the wake of both treaties, MPs amended the Constitution in 2010 to extend parliament's information rights and include the control of the subsidiarity mechanism in the Austrian legal system. Constitutional amendments in 2012 incorporated rules related to the ESM. The RoP was also amended several times in 2010, 2011 and 2012. In the wake of the Lisbon Treaty, the parliament adopted an EU-Information Law to reinforce the information flow between the government and parliament. After the ratification of the ESM, MPs also passed the ESM-Information Law in 2014 and two additional Information Laws in 2014 and 2015 that aimed to strengthen parliamentary scrutiny rights in the framework of the ESM. The National Council underwent multiple reforms to strengthen its scrutiny system even though it counts among the most developed ones. We observe that some treaties that were particularly salient in parliament triggered substantial change.

Finally, the Finnish Eduskunta underwent limited reforms, but they happened each time in the context of EU and intergovernmental treaty negotiations. Just as in Austria, the Lisbon Treaty seemed to have encouraged Constitutional revisions and amendments to the RoP. In 2009, MPs amended Section 30 of the RoP and Article 18a of the GC's RoP to incorporate the subsidiarity mechanism in parliamentary working methods. Committees' competences and information rights in EU affairs were strengthened through RoP amendments in 2011 and 2013. Moreover, Constitutional amendments in 2012 aimed to regulate EU treaty approval by the parliament, Finland's status as EU member and the executive's competences in EU negotiations. Just as in Austria, the Eduskunta's scrutiny system ranks among the most powerful in the EU. However, revisions were more circumscribed than in the Austrian National Council.

The table hereunder sums up all reforms undergone in our three cases and their potential correlation with modifications undergone on EU-level legal provisions. We observe that unlike in the case of parliamentary activity, the salience level of EU and intergovernmental treaties had a limited impact on institutional change. Rather, the development of legal provisions on parliamentary participation in EU affairs and the way MPs perceived their parliament's power in EU affairs played a more significant role, as we will see in the next section.

**Table 29: Comparative assessment of amendments to each chamber's scrutiny system in the wake of treaty negotiations**

	Chamber of Deputies, Luxembourg	National Council, Austria	Eduskunta, Finland
<b>Treaty establishing a Constitution for Europe (2004-2006)</b>			
<i>Legal provisions on national parliaments in treaty</i>	<ul style="list-style-type: none"> <li>- Title III, Union Competences, Article I-11 § 3</li> <li>- Title III, Union Competences, Article I-18 §2 Flexibility clause</li> <li>- Chapter II, Specific Provisions, Article I-42 §2</li> <li>- Title VI, The Democratic Life of the Union, Article I-46 § 2</li> <li>- Title IX, Union Membership, Article I-58 § 2</li> <li>- Chapter IV, Area of Freedom, Security and Justice, Section 1, Article III-259</li> <li>- Chapter IV, Area of Freedom, Security and Justice, Section 1, Article III-260</li> <li>- Chapter IV, Area of Freedom, Security and Justice, Section 1, Article III-261</li> <li>- Chapter IV, Area of Freedom, Security and Justice, Section 4, Article III-273 §1</li> <li>- Chapter IV, Area of Freedom, Security and Justice, Section 5, Article III-276 §2</li> <li>- Part IV, General and Final Provisions, Article IV-443 §1</li> <li>- Part IV, General and Final Provisions, Article IV-444</li> <li>- Protocol on the role of national parliaments in the European Union</li> <li>- Protocol on the application of the principles of subsidiarity and proportionality</li> </ul>		
<i>Salience on the national level</i>	High	Moderate	Moderate
<i>Revision of national scrutiny systems</i>	- RoP amendment (2003) - European Strategy (2006)	- Reorganisation of parliamentary administration departments handling EU affairs (2005)	/
<b>Treaty of Lisbon (2007-2009)</b>			
<i>Legal provisions on national parliaments in treaty</i>	<ul style="list-style-type: none"> <li>- General provisions, Article 3b §3</li> <li>- General and Final Provisions, Article 308</li> <li>- Title II Provisions on Democratic Principles, Article 8A §2</li> <li>- Title II Provisions on Democratic Principles, Article 8 C</li> <li>- Chapter 1, Area of Freedom, Security and Justice, General provisions, Article 61 B</li> <li>- Chapter 1, Area of Freedom, Security and Justice, General provisions, Article 61 C</li> <li>- Chapter 1, Area of Freedom, Security and Justice, General provisions, Article 61 D</li> <li>- Chapter 3, Judicial cooperation in civil matters, Article 65 §3</li> <li>- Chapter 4, Judicial cooperation in criminal matters, Article 69 D §1</li> <li>- Chapter 5, Police cooperation, Article 69 G</li> <li>- Final provisions, Article 48 §2</li> <li>- Protocol on the role of national parliaments in the European Union</li> <li>- Protocol on the application of the principles of subsidiarity and proportionality</li> </ul>		
<i>Salience on the national level</i>	Low	High	Low
<i>Revision of national scrutiny systems</i>	- RoP amendments (2007, 2009 and 2010)	- Constitutional amendments (2010) - RoP amendments (2010 and 2011)	- Constitutional amendments (2012) - RoP amendments (2009, 2011 and 2013)

- EU-Information Law (2011)			
<b>ESM (2011-2012)</b>			
<i>Legal provisions on national parliaments in treaty</i>	- Article 30 §5		
<i>Salience on the national level</i>	High	High	High
<i>Revision of national scrutiny systems</i>	/	- Constitutional amendments (2012) - RoP amendments (2012) - ESM-Information Law (2014) - Information Laws (2014 and 2015)	/
<b>TSCG (2011-2012)</b>			
<i>Legal provisions on national parliaments in treaty</i>	- Title III, Article 3 §2 and Title V, Article 13		
<i>Salience on the national level</i>	High	High	High
<i>Revision of national scrutiny systems</i>	/	/	/

Source: Own summary based on parliamentary documents and secondary literature.

Overall, we saw that institutional change followed somewhat the same direction in all three cases, with differences in scope. Even though there was a “misfit” between European provisions on parliaments and their scrutiny systems, the three cases reacted differently to institutional change. The measurement of the direction of change bases on the concepts outlined in the Theory of Endogenous Institutional Change (see Chapter 3). We assumed in sub-hypothesis H3.3 that institutional change happened through “layering” in all three cases, i.e. through an incremental process consisting in a successive addition of new rules over pre-existing ones. Amendments and revisions are the most common tools leading to change through “layering”. This sub-hypothesis can be partially confirmed, because Luxembourg and Finland proved to be to some extent deviant cases. In all three cases, amendments to parliaments’ legal framework were made successively in the wake of almost each studied treaty. However, the rhythm of revisions differed between the chambers.

Within the Luxembourg Chamber of Deputies, amendments were rather limited and most of the suggestions made by EAC members stayed at the stage of rhetorical promises. Until the Lisbon Treaty, amendments to existing RoP rules characterised institutional change in the chamber. In the wake of the Lisbon Treaty, new rules on the subsidiarity monitoring and the cooperation mechanism between government and parliament in EU affairs had to be established. No rules regulating these procedures existed before, which explains why institutional change happened through “layering”. Missing rules in a context of an evolving European legal framework implied the completion of legal gaps with new institutional arrangements. Finally, even though the ESM and the TSCG were salient treaties in Luxembourg, they did not lead to modifications of MPs’ scrutiny framework. Therefore, “drift” can best illustrate the situation in the chamber during the economic crisis, because MPs did not

implement new rules despite a changing institutional context on the EU level. The only exception is that contrary to Streeck and Thelen's (2005) arguments, "drift" within the Chamber of Deputies did not lead to the "death" of the institution, i.e. the scrutiny system of EU affairs. Rather, we use the notion to emphasise the fact that MPs passively witnessed how the ESM and the TSCG affected parliamentary rights without implementing concrete revisions to remedy a potential competence loss.

Legal revisions in Austria were successive and substantial, even though the parliament's scrutiny system is considered in the literature as moderate to strong. Among the three cases, the National Council pursued the strongest reforms of its scrutiny procedures. In the context of the Constitutional Treaty, only structural re-arrangements were done in the parliamentary administration. Parliament reshuffled and renamed its administrative departments handling EU affairs to guarantee effective support to MPs. Therefore, institutional change happened through "layering", because pre-existing institutional arrangements were modified to be adapted to institutional evolutions induced by European integration. In the wake of the Lisbon Treaty and the ESM, the National Council introduced most of its institutional reforms. The latter followed the same dynamics as before, in the sense that existing rules were amended. However, they were completed with new rules that did not exist before, such as the subsidiarity control that appeared in the Constitutional Treaty, but was only implemented in the Lisbon Treaty. The National Council had to create new procedures on reasoned opinions. Additionally, an EU-information Law aimed to reinforce the information flow between government and parliament. The ESM also encouraged Parliament to create new procedures and information requirements in the Constitution, the RoP and additional information laws. New provisions established notably an ESM sub-committee, new information rights, as well as regulations empowering the Parliament to mandate the Austrian representative in the ESM Board of Governors. Therefore, the Lisbon Treaty and the ESM triggered change in the National Council through "layering". MPs amended pre-existing rules and completed missing rules by creating new ones. Old institutions remained in place and new provisions were added on top of them.

Within the Eduskunta, dynamics of institutional change showed similarities to the Chamber of Deputies, especially in the context of the Lisbon Treaty and the economic crisis. However, the origins of these dynamics were different, as we will explain in the second section below. The Parliament established an EU-review Committee that worked between 2003 and 2005 and suggested avenues for reform to further strengthen the already strong scrutiny system. However, it did not lead to any implementation, which is the reason why we used the concept of "drift". MPs did not see it as necessary to change their scrutiny system and deliberately maintained the status quo despite institutional developments on the EU level. The same applies to the context of the economic crisis, just as in Luxembourg. MPs discussed the preservation of Parliament's budgetary competences, but did not initiate change. The Lisbon Treaty brought with it the most revisions in the Eduskunta, probably because the new rules on the subsidiarity mechanism obliged MPs to integrate them in their procedures. In practice, these instruments were rarely used. Just as in the Luxembourg Chamber of Deputies, amendments to the RoP and the Constitution completed existing rules. Thus, "layering" defines change in this context according to the Theory of Endogenous Institutional Change. Overall, the Finnish Eduskunta carried out the least change compared to the other cases.

The table hereunder sums up our findings on dynamics of institutional change within the three chambers.

**Table 30: Direction of institutional change in the three chambers**

	<b>Chamber of Deputies, Luxembourg</b>	<b>National Council, Austria</b>	<b>Eduskunta, Finland</b>
<b>Treaty establishing a Constitution for Europe (2004-2006)</b>	Layering	Layering	Drift
<b>Treaty of Lisbon (2007- 2009)</b>	Layering	Layering	Layering
<b>ESM/TSCG (2011- 2012)</b>	Drift	Layering	Drift

Source: Own summary based on parliaments' legal bases, interviews and secondary literature.

As in all three cases, rules were either amended, added or preserved, “layering” and “drift” were the only concepts that could be applied. Indeed, MPs kept their “old” institutions in place while refining their existing legal provisions. The observations made above exclude institutional change through “displacement” (see Chapter 3), as existing rules were not removed and replaced by new ones. The current scrutiny systems were not reshuffled to the extent that new rules supplanted pre-existing ones. Moreover, MPs did not redirect scrutiny procedures and structures to serve different purposes than the scrutiny of EU affairs, therefore also excluding change through “conversion”. Finally, we did not observe any breakdown of the existing scrutiny systems, which also excludes the “exhaustion” argument. The next section analyses the factors of institutional change in each chamber.

If we now link institutional change to the actual use of the newly established instruments, we observe that the Luxembourg Chamber of Deputies uses primarily the scrutiny tools developed at the European level (such as the subsidiarity control mechanism), while the Austrian and Finnish chambers continued to focus on the scrutiny of their national governments. Indeed, the Luxembourg Chamber of Deputies submitted the most reasoned opinions since 2010 compared to the two other chambers<sup>567</sup>. Contrary to the Finnish and Austrian chambers, MEPs tend to be systematically present as well. Moreover, the proportion of parliamentary questions on EU affairs shows that the Luxembourgish chamber used mostly this scrutiny instrument among our cases, while the two other chambers tended to use more motions to control their government. Therefore, based on the ideal-types suggested by Auel/Rozenberg/Tacea (In: Heffttler/Neuhold/Rozenberg/Smith, 2015), we can say that the Luxembourg Chamber of Deputies as both a “debating arena” and a “Commission watchdog” successfully used its newly established formal tools to scrutinise the EU level. However, the parliament was not as successful in reinforcing its influence on the government’s EU policy, because the memorandum adopted in 2009 is still not fully applied. Reversely, the Austrian National Council and the Finnish Eduskunta as “policy shapers” (and to some extent “debating arenas”) developed tools to strengthen their control over national EU policies. Here, we need to point out that the Austrian chamber established more scrutiny tools than the Finnish chamber, but

<sup>567</sup> The Luxembourg Chamber of Deputies submitted 20 reasoned opinions since 2010, while the Austrian National Council and the Finnish Eduskunta submitted each 3 reasoned opinion. See IPEX: <http://ipex.eu/IPEXL-WEB/search.do> (last accessed 17.06.2019)

that there is still a lacking implementation of some rules. For instance, §31f RoP stipulates that MPs can request information on documents provided by the government. However, since 2014, the chamber made use of this possibility only 10 times. The Finnish case is different in the sense that formal rules are not as detailed as in the Austrian case, but MPs rely on a strongly established practice of narrow cooperation and information exchange with the government. Overall, each parliament's perception on European integration might be the main reason explaining the difference in the use of scrutiny tools. The Luxembourg Chamber of Deputies evolved in a deeply pro-European environment, where the EU level was seen as a benefit for the country. The parliament naturally invested time in communicating directly with European Institutions. On the contrary, the Austrian and Finnish chambers evolved in contexts where European integration was not always self-evident, which pushed them to focus on a strong national scrutiny model.

#### *8.4.2 Motivational factors of institutional change in the Luxembourg, Austrian and Finnish chambers*

We identified three interdependent motivational factors that explain the origin, scope and direction of institutional change: MPs' socio-demographic characteristics, MPs' normative interpretation of their parliament's role in the EU and MPs' parliamentary culture deriving from the nature of their political system (consensual vs conflictual). We noticed that the second and last factors of change were the same causes of parliamentary activity, but to a different extent. The following paragraphs sum up our findings for each explanatory factor.

#### **The drivers of change: the ideal-typical profile of “political entrepreneurs” of change**

In the Theory of Endogenous Institutional Change, “political entrepreneurs” of change are agents who lead the contestation of existing rules and initiate rule reinterpretation and change. Their sociological profiles determine to what extent MPs will engage in reform discussions. Bottom-up dynamics are at the centre of the second branch of the Historical Institutionalism theory, just as Sociological Institutionalism. In all three cases, we observed sociological similarities. Most “political entrepreneurs” both scrutinised the treaties and at the same time promoted procedural revisions. Therefore, we found the same sociological features as those of the key players that led parliamentary scrutiny on the studied treaties. Indeed, initiators' professionalisation level, i.e. their personal, professional and political experience linked to EU affairs, was high compared to the professionalisation level of an average MP. Overall, initiators of procedural and structural amendments had without exception a high seniority in parliament. At the time of each reform discussions, they exerted at least their third mandate.

Most of the time, EAC members were the main initiators of change, sometimes alongside members of RoP or Constitutional Affairs committees. These committees are obviously the most competent to discuss institutional change within the chambers. In the Finnish case, Finance Committee members were also actively discussing parliamentary competences in the context of the ESM and the TSCG. In the context of the economic crisis,

MPs with a recent mandate and sectoral committee membership also became involved in reform discussions, but not for the same reasons. While EU professionals were motivated by personal beliefs or by the fact that their committee was competent to deal with revisions of the parliamentary scrutiny system, the rest of the MPs only sought to publicise their positions to gain voters' support. This logic of action mirrors the one observed during parliamentary activity in EU and intergovernmental treaty negotiations. MPs with "Europeanised" profiles can be considered as the main entrepreneurs of change in all three cases during the period under analysis. Single "technician" MPs only got involved in the Eduskunta for electoral reasons. Therefore, we can equate "political entrepreneurs of change" to "MPs socialised into EU norms" as outlined in the section of factors influencing parliamentary activity.

Membership in national unions or government experience barely affected their motivation to trigger institutional change. On the contrary, the expertise level in EU policy represented the most significant determiner of involvement. In all three chambers, "political entrepreneurs" of change participated in interparliamentary conferences, mainly the COSAC, and had direct links with the EU-level (Interview 4, 21, 4a, 17a, 2017, and 4b, 5b, 2018). They benefitted from privileged contacts and information that they could use in domestic parliamentary debates. COSAC discussions entailed details about the impact of certain treaties on national scrutiny systems, which turned out to be useful ex-ante information for MPs. Leadership positions were also quite common, mostly in parliamentary groups or committees. Key players of change benefitted from influential functions within parliament, drawing their legitimacy from that. We can say that their legitimacy to deal with these issues originated from their highly professionalised profiles. The parliamentary administration supported and sometimes initiated change within the Chamber of Deputies (Lisbon Treaty) and the Eduskunta (Constitutional Treaty and Lisbon Treaty).

Finally, if we look at the political positioning of the key players of institutional change, we come to the conclusion that majority MPs led the discussions in the Luxembourg Chamber of Deputies, while majority and opposition groups were almost equally involved in the Austrian and Finnish chambers. The nature of the political system (consensual vs conflictual), as well as the importance of party politics in parliamentary work are the main reasons of such observations. We will enter into details about these arguments in the section on parliamentary culture as factor of change (see below). However, we can already conclude that government parties managed to control the direction of change in all three parliaments.

The table hereunder sums up the main findings about the profile of entrepreneurs of institutional change in each chamber. We identify for instance the main initiators of change, MPs' seniority level and how many MPs occupied leadership positions, participated in interparliamentary conferences or had a prior experience in government.

**Table 31: Profile of "political entrepreneurs of change" in the three chambers**

	Chamber of Deputies, Luxembourg	National Council, Austria	Eduskunta, Finland
<b>Treaty establishing a Constitution for Europe</b>			
<i>Initiators</i>	- EAC: initiator - RoP + Institutions and Constitutional Revision	- EAC - Sectoral committees	- EU-review Committee - GC - FA Committee



	committees: implementation		- Parliamentary administration
<i>MPs' seniority level</i>	High	High	High
<i>Political or parliamentary leadership positions</i>	Most MPs	Most MPs (non-EAC members)	Few MPs
<i>Political positioning</i>	Majority MPs	Majority + opposition MPs	Majority + opposition MPs
<i>Participation in interparliamentary conferences</i>	Most MPs (COSAC)	Most MPs (COSAC)	Most MPs (COSAC + international conferences)
<i>Government experience</i>	Few MPs	Few MPs	Most MPs
<i>Membership in national union</i>	No	No	No
<b>Treaty of Lisbon</b>			
<i>Initiators</i>	- EAC - RoP Committee	- EAC: initiator - RoP + Constitutional Affairs committees: implementation	- GC - EU-review Committee - Parliamentary administration
<i>MPs' seniority level</i>	High	High	High
<i>Political or parliamentary leadership positions</i>	Most MPs	Most MPs	Most MPs
<i>Political positioning</i>	Majority MPs	Majority + pro-European opposition MPs	Majority + pro-European opposition MPs
<i>Participation in interparliamentary conferences</i>	Most MPs (COSAC)	Most MPs (COSAC)	Most MPs (COSAC)
<i>Government experience</i>	Few MPs	Few MPs	Few MPs
<i>Membership in national union</i>	No	No	No
<b>ESM/TSCG</b>			
<i>Initiators</i>	- EAC - RoP Committee	- EAC - Constitutional Affairs Committee	- GC - FA Committee - Finance Committee
<i>MPs' seniority level</i>	High	High	High + recent mandates (sectoral committee members)
<i>Political or parliamentary leadership positions</i>	Most MPs	Most MPs (Eurosceptic MPs)	Few MPs
<i>Political positioning</i>	Majority MPs	Majority + pro-European opposition MPs	Majority + opposition MPs
<i>Participation in interparliamentary conferences</i>	Most MPs (COSAC)	Few MPs	Few MPs
<i>Government experience</i>	Few MPs	Few MPs	Few MPs
<i>Membership in national union</i>	No	No	No

Source: Own summary, based on biographical data and interviews.

The way and the extent MPs (re)interpret their parliament's role in EU affairs highly depends on how sensitised they are to EU issues. The analysis of their sociological profiles shows that only the most sensitised MPs, i.e. MPs with an extensive experience linked to EU affairs, led the discussions on parliamentary reforms.

### **The normative origins of change: MPs' normative interpretation of their parliament's role in the EU**

Through interviews with (former) MPs and civil servants of the parliamentary administration, as well as minutes of committee meetings and plenary sessions, we identified three different ways of perceiving parliamentary power in EU affairs. Normative interpretation of parliamentary strength depends also on each country's position towards European integration.

As we saw earlier in this chapter, Luxembourg is the most euro-friendly country of all three cases. It supports deeper integration and federalisation trends. The chamber's document-based scrutiny system also focuses on the scrutiny of documents coming from the European Institutions instead of the national government. Overall, MPs wish to reinforce their Parliament's scrutiny procedures, but also support the strengthening of the European Parliament (Interview 4, 21, 2017). Moreover, the Chamber of Deputies encourages interparliamentary cooperation, because it allows MPs to diversify their information sources and build EU-level contact networks (Interview 5, 2017). EU-level cooperation represents an advantage for the chamber with regard to its small size and lack of resources.

On the contrary, the Austrian and Finnish chambers have similar opinions on their parliament's role in the EU. MPs (mostly from the majority) and civil servants are usually satisfied with their scrutiny systems (Interview 18a, 2017). In both parliaments, the emphasis is put on the control of governmental positions, while EU documents serve as background information. The scrutiny of national positions and the strong focus on parliamentary sovereignty are characteristic of both cases. However, Austrian MPs and civil servants acknowledge that improvements are necessary (Interview 6a, 16a, 2017), while Finnish parliamentary players affirm that their scrutiny system counts among the strongest in the EU (Interview 2b, 5b, 2018). Interviews showed that Finnish MPs and parliamentary civil servants did not see institutional change as a necessity, considering that their scrutiny system was already strong enough. Moreover, there is a general perception in the Eduskunta that interparliamentary conferences, contacts with MEPs and reasoned opinions in the framework of the subsidiarity mechanism do not constitute an added value to Parliament's EU scrutiny (Interview 1b, 2b, 4b, 5b, 2018). Indeed, MPs' belief that they exert strong government control and benefit from a well-functioning information policy does not encourage them to further develop their procedures, especially not at the expense of their domestic-centred EU scrutiny system. These elements validate sub-hypothesis H3.1, because MPs evolving in a strong scrutiny system did not deem it necessary to initiate change.

While Austrian and Luxembourgish MPs thought of constantly improving their own procedures, institutional change within the Finnish chamber remained circumscribed. Even though the dynamics of change looked similar in the Luxembourg and Finnish chambers, the reasons differ. Indeed, the absence of substantial change within the Chamber of Deputies can best be explained by its lack of resources and the predominance of the Luxembourg Government over parliamentary work. In the Eduskunta, the general reluctance towards change comes from the general opinion that the scrutiny system should remain as it is. While in the first case, the

political will is present but implementation is lacking, in the second case, there is a clear lack of political will to trigger reforms because of a strong normative belief.

The table hereunder sums up the correlation between countries' position on European integration and MPs' opinion on the role of their parliament in EU affairs.

**Table 32: Correlation between countries' position on European integration and MPs' opinion of the role of their parliament in EU affairs**

	<b>Country's position on European integration</b>	<b>Opinion of NPs' role in EU politics</b>
<b>National Council, Austria</b>	Pro-European with caution concerning sovereignty and neutrality	<ul style="list-style-type: none"> <li>- Strengthen national scrutiny model and encourage NPs' role on the EU level</li> <li>- Further institutional change necessary</li> </ul>
<b>Eduskunta, Finland</b>	Pro-European with caution concerning sovereignty, neutrality and defence	<ul style="list-style-type: none"> <li>- Strengthen national scrutiny model</li> <li>- Scepticism about efficiency of subsidiarity control mechanism and interparliamentary cooperation</li> <li>- No further institutional change necessary</li> </ul>
<b>Chamber of Deputies, Luxembourg</b>	Pro-European	<ul style="list-style-type: none"> <li>- Strengthen national scrutiny model and encourage NPs'/ EP's role on the EU level</li> <li>- Further institutional change necessary</li> </ul>

Source: Own compilation.

We observe that MPs' perception of their parliament's role in EU affairs depends on the way European integration is perceived in each country. The table gives an overview of a general feeling, without entering into details on each party's position. On the one hand, we observe that the fundamentally strong pro-European feeling among Luxembourgish MPs pushed them to encourage further institutional changes on the European level. This could explain why the Chamber of Deputies' scrutiny model encourages to a greater extent direct communication with EU representatives rather than the control of governmental positions. On the other hand, Austria and Finland joined the EU much later and were still attached to old-established principles such as a strong state sovereignty and neutrality. In Austria, the parliament adapted to European integration on paper, but certain practices<sup>568</sup> show that parliament's mentality is still focused on domestic-based matters. Finally, the Eduskunta is the least prepared to change its institutional settings, because it is very confident in its strong domestic-based scrutiny model. Both the Austrian and Finnish parliaments have mandate-based scrutiny models, but the particularity of the Eduskunta is its strong belief that it can efficiently control its government's EU policy without relying on EU-based formats (such as interparliamentary cooperation, MEPs, subsidiarity control, etc). The reason might lie in the fact that the country's recent independence from Russia and its rather utilitarian way of conceiving the EU at the beginning forged a strong feeling among Finnish political actors that they needed to preserve their recently recovered political sovereignty. In that sense, the Eduskunta conceived its strong scrutiny system

<sup>568</sup> Such as the low submission of reasoned opinions or the low participation of MEPs in parliamentary discussions.

accordingly, putting an emphasis on government control rather than on the sole screening of EU documents.

These observations lead us to arguments of Sociological Institutionalism, according to which agents' actions are defined by their institutional framework made among others of cultures, symbol systems and cognitive scripts. Institutions (parliaments) contribute to the formation of agents' identities and beliefs. The opposite also applies: agents shape their institutional environment through their personal beliefs and perceptions. In the case of EU and intergovernmental treaties, the evolution of legal provisions on parliamentary rights on the EU level created a legal gap on the national level. Therefore, a gap also appeared between MPs' normative perception of their parliament's role in EU affairs and the status quo of their scrutiny system. In some cases, especially in the Luxembourg and Austrian chambers, MPs became dissatisfied with the existing rules that did not guarantee proper participation rights in EU affairs. Institutional change happened therefore through bottom-up dynamics originating from MPs' normative reinterpretation of their parliaments' role in the EU. However, the reinterpretation of parliaments' functions does not mean that new rules were effectively implemented. Indeed, the best example is the Luxembourg chamber, where most suggestions were not applied. This leads us to the last factor of change: MPs' parliamentary culture, which determined who embodied the political will to initiate reforms.

### **The political or rational origins of change: MPs' parliamentary culture**

Whether relations between majority and opposition MPs were consensual or conflictual determined which "political entrepreneurs" of change became active and to what extent. The normative reinterpretation of rules as outlined above depended highly on parliamentary culture. Both Sociological Institutionalism and the Theory of Endogenous Institutional Change argue that change is caused by a dissatisfaction about existing rules. However, the motivations behind the modification of MPs' legal framework manifest themselves differently: they originate either from personal conviction or from political contestation leading to political competition. We discovered that the more a system was consensual, the more the motivation of "political entrepreneurs" was driven by single MPs with a strong personal belief that parliamentary rights should be strengthened. Their motivations originated from the belief that only their actions could help to raise awareness about the need to reform the scrutiny system. As EU-professionals, they had the legitimacy and credibility to appear as the most competent leaders of change. In a consensual atmosphere, majority and opposition both agree on the direction of change, with majority MPs mainly leading the process. On the contrary, the more a system showed signs of conflicts and political competition between actors, the more parliamentary reforms became a political matter and mobilised entire parliamentary groups. Institutional change obeyed political strategies and opposition groups pushed reforms to increase their scrutiny rights in parliament. In the Theory of Endogenous Institutional Change, agents compete over the rule reinterpretation and try to build coalitions with agents having similar positions.

If we apply these observations to the studied treaties, we find without surprise that initiators of change within the Luxembourg Chamber of Deputies relied mainly on personal motivations. Relations between opposition and majority on institutional change were highly

consensual, despite some tensions with the ADR during the Constitutional Treaty, the ESM and the TSCG. MPs with highly professionalised and “Europeanised” profiles led the discussions. The absence of conflicts between parliamentary groups over the direction of change allowed single MPs, mainly from the majority, to orient the discussions according to their personal beliefs rather than political considerations. Pro-European opposition MPs supported the majority’s initiatives. The best example is the fact that a single senior LSAP MP who chaired the EAC between the Constitutional Treaty and the economic crisis engaged into the most debates about scrutiny revisions, because he was deeply convinced about the need to promote EU matters in the chamber.

Within the Austrian National Council, consensus on institutional change reigned until the Lisbon Treaty. Eurosceptic parties such as the FPÖ supported revisions of the scrutiny system in the context of the Constitutional Treaty, probably because they were in the majority. At that time, all parliamentary groups unanimously initiated reform proposals. However, after 2005, the FPÖ started to become sceptical about certain scrutiny tools, such as the subsidiarity control mechanism established by the Lisbon Treaty. Therefore, consensus over procedural amendments prevailed only among majority and pro-European opposition MPs. The situation changed during the economic crisis, where we observed the emergence of polarisation trends between parties. This time, pro-European opposition MPs from the Green parliamentary group pushed the majority to initiate reforms in exchange for their support with the ratification of the ESM treaty. Here, we can say that institutional change happened through political pressure originating from higher ideological polarisation. The origin of change within the National Council was mostly political, even though individual MPs stood out as the main “political entrepreneurs” of change. However, party politics still played a more important role.

Within the Eduskunta, the dynamics between parliamentary groups resembled those in the Luxembourg Chamber of Deputies until the Lisbon Treaty. The first EU-review Committee was composed of both opposition and majority MPs from all parliamentary groups. All groups drafted together the committee report in 2005. In the context of the Lisbon Treaty, the second EU-review Committee was only composed of majority MPs. However, all groups agreed on the amendments made to the RoP. In that case, we could identify only a few “political entrepreneurs” of change with highly professionalised profiles. The main reason could be the general lack of interest for institutional change due to the above-mentioned perception that the Eduskunta’s scrutiny system already counts among the strongest in the EU. In that case, few MPs with “Europeanised” profiles endorsed the roles of amendment initiators. While the economic crisis fuelled ideological conflicts between the parties, consensus on the need to strengthen parliament’s budgetary competences also prevailed between majority and opposition MPs (both pro-European and Eurosceptic). However, the increased polarisation between parties even transformed discourses on institutional change into political advocacy. The fact that parliament’s scrutiny power was discussed publicly in plenaries instead of committees like previously shows that parliamentary groups aimed to publicise the matter in the same line as discussions on the ESM or the TSCG. The mediatisation of discussions on institutional change put MPs focusing on political strategies on the centre stage rather than MPs with personal convictions. This explains why the “political entrepreneurs” of change were split between senior MPs from the GC and recently elected MPs from the Finance Committee. The first had

a “Europeanised” profile and had already triggered amendments in the wake of the past treaties. The second got interested in parliament’s budgetary competences as part of their ideological fight against the government’s EU policy.

To end, whether parliamentary culture was consensual or conflictual determined how “political entrepreneurs” behaved. The more polarised the political positions on a treaty, the more MPs initiating change followed political strategies rather than personal beliefs. Therefore, we can validate sub-hypothesis H3.2, because “Europeanised” MPs tended to be more involved in consensual environments, while “technicians” started to engage in institutional change when their political environment became conflictual. In the case of the Austrian and Finnish chambers in the context of the economic crisis, we can clearly say that contestation, competition and to some extent coalition-building between MPs triggered institutional change, as underlined by the Theory of Endogenous Institutional Change. In the case of the Luxembourg Chamber of Deputies and the two other chambers until the Lisbon Treaty, the consensual atmosphere permitted “Europeanised” MPs with strong convictions towards European integration to be the main drivers of change. In that case, arguments from Sociological Institutionalism apply.

#### *8.4.3 Conclusion*

In the last section, we analysed institutional change and its origins through the lenses of Sociological Institutionalism and the Theory of Endogenous Institutional Change. We identified two types of factors that influenced institutional change in the chambers. Both institutional and motivational factors showed similarities and differences between the cases. Overall, we can say that the direction of change depended to some extent on the salience of the treaties and the gap between new EU-level provisions regarding parliamentary participation in EU affairs and national scrutiny systems. We observed that change took the form of “layering” and “drift”. Whenever MPs did not initiate change, they did it because of divergent reasons: the predominance of governmental parties in a highly consensual atmosphere that gave them the leverage to decide about institutional change; the lack of parliamentary resources to conduct change; the absence of political will linked to a general perception that change is not needed.

Motivational factors indicate how MPs used their institutional framework and the context of the treaties to initiate change. We discovered that MPs’ general perception about European integration and more importantly, the strength of their scrutiny system affected institutional change. Moreover, MPs’ socio-demographic features showed that key players with “Europeanised” and professionalised profiles were the main “political entrepreneurs” of change. Finally, parliamentary culture also influenced their actions. Indeed, whether political relations were consensual or conflictual determined whether “political entrepreneurs” of change were motivated by personal beliefs or by political strategies.

To sum up, both institutional and motivational factors found to be the drivers of institutional change more or less underpinned parliamentary activity. Here we cannot dissociate both dimensions, as agents and structures influence themselves mutually.

## 8.5 Summary and conclusion

The present chapter aimed at comparing parliamentary involvement in the Luxembourg Chamber of Deputies, the Austrian National Council and the Finnish Eduskunta. The first sections analysed the chambers' institutional framework and its influence on parliamentary involvement. We noticed that the nature itself of political systems and the general perception about European integration represented crucial incentives for parliamentary involvement. The more a parliament evolved in a consensual and pro-European environment, the less MPs scrutinised their government. On the contrary, the more political dynamics became conflictual and Eurosceptic groups emerged, the more MPs scrutinised their government. Even though we cannot apply this argument to every treaty, we can say that the treaties' salience affected MPs' awareness about EU affairs and motivated adversaries of the government's EU policy to become active. However, their actions were limited by the fact that large pro-European majorities in parliament outnumbered them. Overall, hypothesis H1 can be partially confirmed with regard to these observations.

The analysis of parliaments' formal capacities and their evolution shows that the rankings established by several authors in the Europeanisation literature<sup>569</sup> turn out to be accurate from a purely institutional point of view. The Luxembourg Chamber of Deputies counts among the weakest parliaments in terms of EU scrutiny strength, while the Austrian National Council and the Finnish Eduskunta count among the strongest. Even though Austria and Finland joined the EU only in 1995, their parliaments adapted very quickly to European integration. The main difference with the Luxembourg Chamber is their strong ex-ante control rights, including a strong information policy and a mandating system. Overall, the institutionalisation level of EU scrutiny systems is low in the Luxembourg Chamber of Deputies and high in the two other cases. Formal capacities affect among others parliamentary activity, in the sense that the weaker MPs' rights and resources, the less they are able to scrutinise their government's EU policy, and the more the governmental majority monopolises the decision-making process.

The analysis of the evolution of parliamentary activity in the three chambers showed that national elections and the treaties themselves both affected the most MPs' activities. Scrutiny of EU affairs diminished each time national legislative elections were organised. EU treaties and intergovernmental treaties on the EMU triggered more activity, but not automatically related to the treaties themselves. Overall, we observed that fluctuations in parliamentary activity could be explained by different salience perceptions, but also by the polarisation level between parliamentary groups, i.e. parliamentary culture. As explained above, the higher the logic of competition over EU affairs among parliamentary groups, the higher parliamentary activity. Depending on the salience and polarisation level within each chamber, MPs' socio-demographic features also affected their motivations to engage in the scrutiny of the treaties. Indeed, we identified two ideal-typical profiles of key players: "pragmatic users" of EU affairs and "MPs socialised into European norms" or MPs with "Europeanised" profiles. We observed that the more each chamber's political environment became conflictual and/or polarised, the more "pragmatic users" became active with the objective to instrumentalise the

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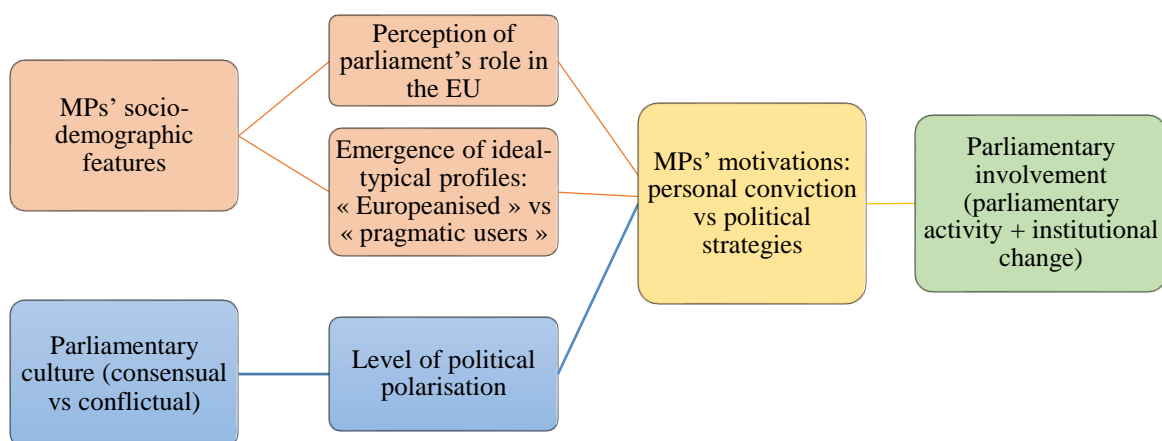
<sup>569</sup> See Auel et al. (2015), Bergman (1997), Karlas (2011), Winzen (2012).



treaties to publicise their positions and gain electoral benefits. On the contrary, MPs with “Europeanised” profiles (usually EAC members) were constantly active because the treaties fell into their field of competences. They followed the treaties, because they had strong beliefs with regard to European integration. Overall, we can say that the salience level of the four treaties affected MPs’ awareness about EU affairs and thus the mainstreaming of EU affairs in parliament. In all three cases, we observed mainstreaming trends, but only within a restrained circle of MPs. Therefore, we can validate hypothesis H2, even though the scope of mainstreaming remained circumscribed. Sectoral committee MPs who mainly endorsed the role of “pragmatic users” of EU affairs became particularly active during the Constitutional Treaty (in Luxembourg and Austria) and the economic crisis (all three cases).

Finally, the last section focused on institutional change within the chambers. In all three chambers, change happened through either “layering” or “drift”. We saw that the same factors that influenced parliamentary activity also affected institutional change: MPs’ perception about their parliament’s role in the EU, MPs’ socio-demographic features and their parliamentary culture. The higher MPs’ satisfaction about their scrutiny system, the less they were inclined to amend it. Moreover, MPs with “Europeanised” profiles were the main initiators of change, because their extensive experience linked to EU affairs made them more legitimate to lead amendment processes. However, we noticed again that the more conflictual the political environment, the more recently elected MPs with “technician” profiles, i.e. the “pragmatic users”, become also active in promoting institutional change. The latter depended not only on the gap between EU-level provisions and national scrutiny systems, but also on different other factors outlined above. Therefore, we can partially validate hypothesis H3.

Overall, we concluded that parliamentary culture and MPs’ profiles mainly affected the way they perceived the four treaties and thus their parliamentary involvement. The scheme hereunder shows the motivational origins of parliamentary involvement in EU and intergovernmental treaty negotiations.



Source: Own summary.

Of course, institutional factors such as parliament’s formal capacities, the presence of institutional veto players, the cooperation between parliament and government or countries’

accession to the EU affected as well MPs' motivations and their parliamentary involvement. However, we emphasise here the sociological dimension of motivations, as these have been barely outlined in previous Europeanisation studies. The scheme can also be applied to the analysis of parliamentary involvement with regard to the implementation of regular EU public policies on the national level.

## Chapter 9. Conclusion

The present thesis aimed to study variations and origins of parliamentary involvement in a historical-comparative perspective. Parliamentary involvement was understood in the thesis as both parliamentary activity and institutional change within parliaments. The Luxembourg Chamber of Deputies, the Austrian National Council and the Finnish Eduskunta served as research objects in a bid to conduct in-depth analyses on the evolution of parliamentary involvement during negotiations on EU treaties and intergovernmental treaties on the EMU. We assumed that these extraordinary events would trigger larger attention among MPs and encourage them to scrutinise actively their government's EU policy. We used both historical and sociological institutionalist approaches to understand the link between institutional, temporal and motivational factors triggering parliamentary activity and institutional change with regard to EU affairs. The Theory of Endogenous Institutional Change was meant to help us explain the dynamics and origins of institutional change within our parliaments. The motivational approach served to study MPs' incentives underpinning parliamentary involvement. Contrary to most studies undergone on parliaments' adaptation to European integration, we decided to narrow down the research in order to open the parliamentary "black box".

Previous literature on Europeanisation already acknowledged the differences between our three cases in terms of formal parliamentary strength in EU affairs (Auel/Rozenberg/Tacea, In: Hefftl/Neuhold/Rozenberg/Smith, 2015; Karlas, 2011; Maurer/Wessels, 2001; Raunio, 2005; Winzen, 2012). Authors concluded that formally, the Eduskunta had the strongest scrutiny system, while the Austrian Parliament was placed in the middle of the rankings and the Luxembourg Chamber of Deputies at the bottom end. The choice of the chambers in Luxembourg, Austria and Finland base precisely on the conclusions made on their formal capacities. The main outcome in our study was the diverging capacities of our parliaments in terms of scrutiny of EU affairs. Starting from there, we sought to go beyond the sole analysis of formal capacities and to focus on MPs' motivations to use parliamentary instruments and reform their institutional framework. We sought to understand why these parliaments had different powers in EU affairs despite two assumed similarities: their size (all three are considered small chambers) and their political system<sup>570</sup> (based on consensus and governmental coalitions). An additional difference between the cases that we had to take into consideration was also their date of EU accession, which we expected would influence MPs' opinion on European integration and subsequently their involvement in EU affairs.

One main question guided this thesis: How does parliamentary involvement in EU affairs vary across small European parliaments in the context of EU and intergovernmental treaty negotiations?

To answer this question, we developed a series of hypotheses illustrating our expectations:

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<sup>570</sup> This assumption would prove to be partially wrong in Austria after 2005 and Finland from the economic crisis onwards.

**H1: The higher the ideological polarisation on EU affairs between parties, the higher was parliamentary activity during EU and intergovernmental treaty negotiations.**

We assumed that the ideological gap between parliamentary groups on European integration and the treaties would encourage MPs to seize scrutiny instruments to control their government. Whether they were in the majority or opposition, and whether they positioned themselves as pro- or anti-European affected their involvement in EU affairs.

**H2: The higher the salience of EU treaties and intergovernmental treaties on the EMU within parliament, the more likely trends towards the mainstreaming of EU affairs emerged.**

The second hypothesis focused on the socio-demographic features of MPs and assumed that the more salient a treaty, the more widespread the attention and involvement in parliament. However, we also assumed that the core key players would be MPs with an EU-expert profile.

**H 3: The higher the perceived misfit between treaty provisions on parliamentary participation rights and domestic parliamentary scrutiny systems, the more MPs initiated institutional change.**

Finally, we checked for “misfits” between provisions on parliamentary participation developed on the EU level and parliaments’ scrutiny systems. We thought that the stronger parliamentary procedures on EU affairs, the less institutional change would happen. Moreover, we assumed that the drivers of change would be MPs with higher experience in EU matters than the average. The direction of change would take the form of “layering”, i.e. the addition of new rules onto old ones.

The following sections will present the main results of the thesis, as well as the strengths and limitations of our analysis. The last section will focus on the outlook and suggestions for future research.

## 9.1 Main results

Each empirical chapter aimed to explain in detail the evolution and motivational origins of parliamentary activity and institutional change in the studied chambers. The comparison between the cases permitted to show trends in parliamentary involvement, as well as to identify the main factors underpinning MPs’ involvement in EU affairs.

The first section will focus on the trends observed in the three chambers, while the second section will sum up the explanatory factors.

**1. Parliamentary activity in the three chambers varied alongside treaty negotiations on the EU level and national legislative elections.**

We analysed the evolution of parliamentary activity in the three chambers by counting the number of EAC meetings, parliamentary questions and motions on EU affairs, as well as question hours or topical debates on EU issues between 2002 and 2015. We observed in our comparative chapter (Chapter 8) that MPs' activity in EU affairs fluctuated alongside EU and intergovernmental treaty negotiations, without necessarily being related to them. Parliamentary questions on EU issues illustrated best these trends. In the context of the Constitutional Treaty (2004-2005), the Lisbon Treaty (2007-2009), the ESM and the TSCG (2011-2012), the number of questions reached peaks. Moreover, we also noticed that legislative elections put each time a halt on parliamentary activity in EU affairs in all the chambers. Prior to the elections, MPs might become focused on their election campaign, while after the elections, parliaments have to start a new legislative period with new members who might not be familiar with parliamentary work. Overall, the punctual boosts of parliamentary activity were not systematically correlated with the salience of the treaties. Indeed, as we saw in chapter 8, MPs' involvement depended also on the nature itself of their political system. For instance, we observed that in post-consociational contexts such as in Austria after 2005 or Finland after the 2011 elections, polarisation and competition between parties triggered higher activity levels within parliaments.

Overall, government parties dominated the discussions over the treaties, while opposition MPs used the most the scrutiny instruments. Eurosceptic MPs were the most active in the Austrian and Finnish chambers during the economic crisis, especially because of the growing dissent and polarisation trends between the mainstream majority parties and the opposition (both Eurosceptic and pro-European). Among the used scrutiny instruments, we saw that Luxembourgish MPs used mostly PQs, while Austrian MPs used mostly motions and Finnish MPs (dissenting) committee opinions. The main reason for these differences lies in their respective scrutiny systems. Indeed, contrary to Luxembourgish MPs, Austrian and Finnish MPs controlled their government's negotiation position on the treaties rather than solely EU documents. This illustrates the difference between a document-based scrutiny system (Luxembourg) and a mandating system (Austria and Finland). Moreover, as hypothesis H1 suggests, we expected ideological polarisation between the parties to fuel larger attention on the treaties from MPs' side. The empirical analysis showed that the higher the ideological distance and the competition between parliamentary groups, the more MPs were scrutinising the treaties. This was especially the case in the context of the ESM and TSCG in the Austrian and Finnish chambers, where Eurosceptic MPs expressed harsh criticism towards their governments' EU policy. Therefore, to some extent, the peaks of activity observed during the economic crisis might originate from this highly competitive mood between the parties, even though scrutiny instruments on the ESM and TSCG themselves were not used as much as during the previous treaties. The Luxembourg Chamber of Deputies turned out to be the exception, as

we could not identify any clear polarisation trends due to its deeply entrenched consensual system that limited ideological gaps.

**2. A limited circle of key players made the most use of their scrutiny system to control the treaty negotiations. Either they were “pragmatic users” of EU affairs or “MPs socialised into EU norms”. The latter were also the main “political entrepreneurs” of change in the three chambers.**

Sociological Institutionalism and the motivational approach helped to understand how a specific ideal-type of MPs monopolised the debates and the scrutiny of EU treaties and intergovernmental treaties on the EMU. We expected the treaties to encourage a mainstreaming of EU affairs within the three chambers (hypothesis H2), but the empirical results show that only two main types of key players were involved regularly in discussions: “pragmatic users” of EU affairs or “MPs socialised into EU norms”. The first ideal-type of MPs focuses on the use of EU topics to defend national interests. The high salience of EU affairs and the ideological polarisation between parliamentary groups encourages “technician” MPs to instrumentalise EU topics, especially for re-election purposes. Typically, “pragmatic users” belong to sectoral committees and/or the opposition (mostly Eurosceptic). Contrary to EU specialists, they exerted recent parliamentary mandates and had few or no experience linked to EU matters. These MPs were particularly active during the economic crisis, when they had the opportunity to make their criticism towards their government’s EU policy public in parliament, in a context of disaggregating popular trust towards mainstream parties.

These elements seem to contradict arguments from Sociological Institutionalism, because agents’ motivations originated from rational interests rather than normative/ non-rational considerations. Therefore, the result is interesting in the sense that we could see a clear division between key players that based their involvement on rational-strategical motivations, and EU-experts who relied on personal and cognitive considerations. The latter “MPs socialised into European norms” represent overall the most active category of key players across the studied period. Contrary to “pragmatic users”, they get involved in EU affairs in the name of the “EU’s interests” and tend to prioritise EU-level issues. MPs with this profile have usually long-lasting parliamentary mandates, are EAC members or EU group speakers, participate regularly in interparliamentary meetings, are more prone to have prior government experience and had professional and/or political experience closely linked to EU affairs. This category of MPs dominated discussions on treaties that were perceived as less salient by the rest of the parliament, such as the Lisbon Treaty for instance. Due to their highly professionalised and “Europeanised” profiles, they appeared to be the most legitimate players to deal with treaty negotiations, but also institutional reforms. Indeed, “political entrepreneurs” of change were mainly MPs with “Europeanised” profiles that followed closely institutional developments on the EU level. An exception would be again the context of the ESM and TSCG, where the higher polarisation and the technical nature of the EU topics pushed sectoral committee members with recent mandates to become as well “political entrepreneurs” of change in the Eduskunta.

### **3. Institutional change happened through either “layering” or “drift” and followed quite similar patterns in all three chambers.**

Using the Theory of Endogenous Institutional Change, we analysed the direction and origin of change in all three chambers, trying to provide an answer to the hypothesis H3. We assumed that change would happen through “layering”, i.e. through gradual amendments to existing formal rules. The empirical results show that “layering” was indeed a predominant dynamic of change, but that “drift” happened in the Luxembourg Chamber of Deputies in the context of the ESM/TSCG and in the Finnish Eduskunta in the context of the Constitutional Treaty as well as the ESM/TSCG.

Overall, whenever reforms happened, then usually in the wake of EU and intergovernmental treaty ratification, which reflects the same trends observed for parliamentary activity. “Drift” in the Chamber of Deputies might come from the reluctance of coalition-affiliated parliamentary groups to reform the scrutiny system despite some MPs mentioning the need to reinforce the chamber’s competences in EU affairs. Moreover, the lack of resources combined with the predominance of government forces over parliamentary work due to the absence of binding scrutiny instruments probably dampened MPs’ efforts to initiate reforms.

On the contrary, the absence of change in the Eduskunta emanates from the general perception that the chamber’s scrutiny model counts among the strongest and most developed one in the EU. Therefore, MPs did not see the need to reform their institutional framework. On the contrary, the Austrian National Council continuously amended its formal rules. While the Luxembourg Chamber of Deputies emphasised the establishment of instruments enhancing the direct communication with EU Institutions, the two other chambers focused on instruments destined for the scrutiny of their government’s positions in EU affairs. Even though the Austrian and Finnish chambers included for instance the subsidiarity monitoring mechanism in their formal rules, they barely used it. As we will see later, MPs’ normative perception on their parliament’s role in European integration constitutes the main explanatory factor of such a behaviour towards change.

#### *9.1.2 Explanatory factors of parliamentary involvement in EU affairs*

### **4. Parliamentary involvement, i.e. the extent to which MPs’ used parliamentary instruments and thought about institutional reforms during EU and intergovernmental treaty negotiations was predetermined by four explanatory factors:**

*a. Chambers’ formal capacities: the nature and institutionalisation level of chambers’ scrutiny systems, confirming previous studies<sup>571</sup>.*

Previous rankings based on the institutional strength of parliaments in EU affairs usually acknowledged the Eduskunta’s strong formal capacities by classifying the chamber on the top

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<sup>571</sup> See Auel/Rozenberg/Tacea, In: Hefftlér/Neuhöf/Rozenberg/Smith, 2015; Karlas, 2011; Maurer/Wessels, 2001; Raunio, 2005; Winzen, 2012



of the scale, alongside the Danish Parliament (for instance Auel/Rozenberg/Tacea, In: Heffler/Neuhold/Rozenberg/Smith, 2015). The Austrian Parliament appeared to be above the middle of the ranking, even though its scrutiny system has been considerably developed over the past years. Finally, the Luxembourg Chamber of Deputies is usually placed at the bottom end of the rankings. In our empirical analysis of the chambers' formal powers in EU affairs, we can only confirm these observations and highlight the fact that they constituted one explanation of the scope of parliamentary involvement. Indeed, we assumed that the more scrutiny instruments an MP would have at his/her disposal, the more he/she would be ready to use them to control their government. Parliamentary activity during negotiations on EU treaties and intergovernmental treaties on the EMU based mostly on MPs' institutional framework and the opportunities they had in terms of scrutiny tools.

Overall, we observed that the institutionalisation level of the Luxembourg Chamber of Deputies' scrutiny system is low, while the one of the Austrian and Finnish chambers is the most developed. The Chamber of Deputies has the least personnel resources and legal bases of the three cases. The autonomy level of its EAC is low compared to the EACs of the Austrian and Finnish chambers. The latter too can for instance take decisions in place of the plenary and exert more influence on EU affairs. Moreover, the diverging nature itself of the scrutiny systems are indicative of how much influence parliaments can have on their governments' EU policy. While the Luxembourg Chamber of Deputies focuses mostly on the screening of EU documents (document-based scrutiny system), the Austrian and Finnish chambers have mandate-based scrutiny systems that allow them to bind their governments to parliamentary positions. Therefore, the influence on the European legislative process is different.

Austrian and Finnish MPs have more power over their governmental representatives than Luxembourgish MPs. The close relation between parliament and government in the formulation of EU positions in Austria and Finland gives more power to MPs and encourages them to participate actively in the legislative process. The most important determinant is the way and the extent to which MPs decide to make use of scrutiny instruments. For instance, even though the Finnish and Luxembourg chambers have the least written rules compared to the Austrian chamber, the first established strong and systematic control practices, while the second remains quite passive towards its government with the low implementation of its cooperation memorandum (Interview 14, 2017). We saw that the Luxembourg Chamber of Deputies' scrutiny system was turned towards the EU level, while the Austrian and Finnish chambers' scrutiny system focused primarily on national positions on EU matters.

With regard to the second component of parliamentary involvement, institutional change, we assumed that the strength of a scrutiny system would affect the scope and direction of change within parliaments. The empirical study shows that this assumption is only partially verified. Indeed, the Finnish chamber was involved in the least changes, because MPs were generally satisfied with their scrutiny system and thought of it as the strongest in the EU. However, even though the Austrian Parliament had developed substantial rules on its participation in EU affairs in 1995, it continuously amended its formal rules. Therefore, we cannot clearly state that the stronger a scrutiny system, the less MPs engage in parliamentary reforms. Indeed, the Luxembourg Chamber of Deputies debated and thought about amendments

to its scrutiny model throughout the period under analysis, even though it counts among the least strong parliaments in terms of formal capacities.

*b. Chambers' parliamentary culture: the balance of power between majority-opposition MPs and the nature of their relation (consensual vs competitive).*

The institutional framework alone cannot explain entirely the patterns of parliamentary involvement in EU affairs. Indeed, we discovered that the nature of a country's political system and the way majority and opposition MPs interact affected both parliamentary activity and institutional change in contexts of treaty negotiations.

Overall, we observed that competitive political environments tended to encourage higher parliamentary activity within parliaments. These competitive environments increased the salience of certain treaties and to some extent led to larger ideological gaps and polarisation between parties. Luxembourg was the only case where consensus between the parties remained predominant throughout the entire period under analysis, with nevertheless some tensions around negotiations on the TSCG. Majority and opposition MPs were both equally active in parliamentary debates. On the contrary, political consensus faded in Austria after the split of the FPÖ in 2005 and its eviction from the coalition. The FPÖ and BZÖ entered into a competitive mood and opposed systematically the government's EU policy. In Finland, consensus between the parties manifested itself through large coalitions and the predominance of mainstream pro-European parties until 2011. The 2011 elections represented a turning point towards a more competitive environment, because the PS gained substantial votes and started a systematic campaign of criticism against the Finnish Government's management of the economic crisis.

We found that, on the one hand, the higher the consensus between majority and opposition groups within parliaments, the more equally both camps got involved in the scrutiny of their government. On the other hand, the more competitive the system, the more opposition MPs used control instruments. The opposition's ideological orientation also changed whether there was a consensual or competitive atmosphere. Indeed, in the absence of polarisation between parties, pro-European opposition MPs tended to be the most active scrutinisers. In the context of the economic crisis and the growing polarisation between parties in Austria and Finland, Eurosceptic MPs became the most active in parliament, both through their participation in debates and the use of scrutiny tools. These MPs followed a strategy of systematic denunciation of their government's EU policy in a bid to gain popular support among the voters. On the contrary, as polarisation was absent in the Chamber of Deputies, both majority and opposition were equally involved in the discussions and both pro-European and sovereignist MPs used the scrutiny tools. Discourses from the side of the sovereignists were not as harsh and critical as the ones observed in the other chambers.

Overall, we acknowledged that despite these changing political dynamics, governments kept control over the discussions, reports and ratification of the treaties through their politically affiliated committee chairs (EAC, Foreign Affairs committee and Finance committee) and rapporteurs. In some cases like in the Austrian and Finnish chambers, mainstream parties either formed larger coalitions to minimise the impact of Eurosceptic voices (Finland after 2011) or

bargained with ideologically close supporters to secure a large majority voting on the treaties (Austria in the context of the Lisbon Treaty and the ESM).

Parliamentary culture also played a role in the direction and origins of institutional change triggered by MPs. Indeed, we observed that the higher the consensus in key players' political environment, the more they relied on personal motivations and convictions to trigger change within parliament. As political competition was absent between parties, "political entrepreneurs" of change tended to be MPs with "Europeanised" profiles who made reform initiatives their personal concern. Growing tensions and competition between parties such as in Austria after 2005 and Finland after 2011 saw "technicians" get interested in reforms for politically strategic reasons. This observation confirmed the argument of the Theory of Endogenous Institutional Change, according to which change originates from the competition between actors, who try to form coalitions to reinterpret rules. In the Austrian National Council, the Greens bargained their support to the ESM in exchange of amendments to the parliament's participation rights in EU affairs. Within the Eduskunta, the Eurosceptic PS publicly discussed the chamber's role in the EU as part of its strategy to gain electoral support.

*c. MPs' socio-demographic features: MPs' experiences linked to EU affairs and their impact on their motivations to scrutinise EU affairs.*

As we saw earlier, whether MPs had a "Europeanised" or a "technical" profile influenced their motivations to get involvement in the scrutiny of EU treaties and intergovernmental treaties on the EMU. The more an MP is sensitised to EU affairs through previous or current experiences, the more likely he/she will actively follow treaty negotiations and push institutional reforms in a bid to strengthen the chamber's participation rights. Founding on the motivational approach, we observed that whether "pragmatic users" or "MPs socialised into EU norms" became key players of parliamentary debates and institutional change in the context of treaty negotiations depended mainly on the parliamentary culture, i.e. the relation between majority and opposition. Indeed, the analysis of the users of scrutiny instruments, the authors of parliamentary reports or the chairs of the main competent committees and bodies created to think about amendments to the scrutiny system showed that MPs with "Europeanised" profiles were predominant players in highly consensual political environments. The higher the consensus between the majority and opposition, the more MPs delegate the scrutiny of EU matters to the most competent among them, who had already an extensive experience linked to the EU. In this context, MPs with "Europeanised" profiles seemed to be the most legitimate and credible to deal with treaties and institutional change. They were able to act according to personal convictions with regard to European integration, rather than political considerations.

In the Luxembourg Chamber of Deputies, this category of MPs dominated the debates throughout the entire period. On the contrary, in the Finnish chamber, the growing polarisation during the Lisbon Treaty and the economic crisis encouraged "technicians" or "pragmatic users" to take up the role of active scrutinisers and initiators of change alongside MPs "socialised into EU norms". The Austrian case represents somewhat an exception, because "pragmatic users" tended to be more involved during the Constitutional Treaty, even though polarisation was low between the parliamentary groups. Moreover, when the ideological gap

became bigger between pro-European parties and the FPÖ-BZÖ in the context of the Lisbon Treaty, MPs with “Europeanised” profiles occupied the frontstage. An explanation could be for the first the dominant role played by pro-European MPs from sectoral committees (SPÖ and Grüne) in the scrutiny of the Constitutional Treaty. As they were under-represented in the EAC because in the opposition, they used their political leaders to insist on the ratification of the treaty. Therefore, these MPs were not automatically the most sensitised to EU affairs, because political reasons motivated primarily their engagement in government scrutiny. The second exception during the Lisbon Treaty can be explained by the fact that active MPs came mainly from the Eurosceptic opposition (FPÖ-BZÖ) and were also member of the EAC. Key players tended to be more sensitised to EU affairs, even though they held anti-EU discourses. Eurosceptic opposition MPs used their EAC membership to legitimate their interventions and become more active in parliament.

In conclusion, the more competitive the relation between majority and opposition became, the more MPs needed to stick to the collective interest of their group/party and defend their ideological line. For majority MPs, sticking closer to the group discipline meant preserving the government’s credibility and staying united towards a stronger Eurosceptic camp. For Eurosceptic opposition MPs who became more active, they aimed to impose their discontent on the political stage. Therefore, MPs with “Europeanised” profiles turned out to be the main scrutinisers and “political entrepreneurs” of change in contexts of low ideological polarisation and low competition. In this case, change happened mainly through the normative reinterpretation of rules. “Pragmatic users” of EU affairs, mainly Eurosceptic opposition MPs and/or sectoral committee members, became the main scrutinisers and initiators of change alongside MPs with “Europeanised” profiles during contexts of high ideological polarisation<sup>572</sup>. According to the Theory of Endogenous Institutional Change, the reinterpretation of norms and rules happened in that case through competition and coalition formation. MPs disagreed with the current rules in place and tried to change them according to strategical interests. Of course, even in highly polarised contexts, a small circle of loyal senior MPs with “Europeanised” profiles continued to lead the discussions on amendments to their respective scrutiny systems.

*d. MPs’ normative interpretation of their parliament’s role in the EU: MPs’ perception of European integration and subsequently the role parliaments should play in EU affairs. This factor can be derived from MPs’ socio-demographic features.*

Finally, MPs’ ideological position towards European integration influenced not only parliamentary activity, but also institutional change. As we saw earlier, whether MPs were pro-Europeans or Eurosceptics affected their use of scrutiny instruments. With regard to institutional change, we discovered that the more a parliament supported European integration, the more it favoured scrutiny instruments developed on the EU level, such as the subsidiarity control mechanism established by the Lisbon Treaty. Within the Luxembourg Chamber of Deputies, MPs supported direct contacts with EU institutions, a strengthening of the EP’s powers and stronger cooperation with MEPs. The Austrian and Finnish chambers started to deal with EU affairs only in the mid-1990s, with reluctance to abandon national competences in the

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<sup>572</sup> During negotiations on the Lisbon Treaty, ESM and TSCG in the Austrian National Council, and during negotiations on the ESM and TSCG in the Finnish Eduskunta.

name of their sovereignty. Even though supporting European integration, these two parliaments focused on the scrutiny of national positions, rather than on EU-documents themselves. Considering these elements, we observed that attitudes towards institutional change followed the countries' positions on European integration. The Luxembourg Chamber of Deputies amended its rules to incorporate the subsidiarity control mechanism and used it more often than the two other chambers. Even though parliamentary reforms were not numerous, MPs continued to debate on the need to reinforce their parliament's participation in EU affairs, by emphasising in the meantime the need to strengthen cooperation on the EU level.

In the Austrian and Finnish chambers, the focus lied in reinforcing their government control powers. Finnish parliamentary actors still consider the Eduskunta as having one of the strongest scrutiny models in the EU. Therefore, they see no necessity in amending it. On top of that, they express scepticism towards EU-level control instruments. Their reluctance towards a deeper federalisation of the EU, combined with a strongly-established cooperation system between parliament and government explains why further scrutiny rules are not deemed necessary. Within the Austrian National Council, reluctance towards an ever-closer Union was less pronounced, but was still present. Interviews showed that the multiple instruments developed in the context of the Lisbon Treaty and the ESM were and are barely used by MPs. In closing, the stronger the perceived parliamentary power in EU affairs and the less the perceived gap between EU-level provisions on parliamentary rights in EU affairs and national scrutiny systems, the less scrutiny rules were amended and/or implemented. Of course, we do not forget the influence of institutional frameworks on the scope of institutional change. In particular, even though Luxembourgish MPs were aware of their parliament's weakness and expressed their wish to integrate it more in the European legislative process, the lack of personnel resources and the small infrastructure limited their reform attempts.

We summarise the main findings of our empirical study and the results of the hypotheses testing in the following table:

Hypotheses	Theoretical approach	Luxembourg	Austria	Finland
<b>H1: The higher the ideological polarisation on EU affairs between parties, the higher was parliamentary activity during EU and intergovernmental treaty negotiations.</b>	Historical Institutionalism (Theory of endogenous institutional change)  Sociological institutionalism (Motivational approach)	<b>Partially confirmed</b>	<b>Confirmed</b>	<b>Partially confirmed</b>
<i>H1.1: Whether MPs had pro-European or Eurosceptic positions on European integration affected parliamentary activity in EU and intergovernmental treaty negotiations.</i>	Sociological institutionalism (Motivational approach)	Confirmed	Confirmed	Partially confirmed
<i>H1.2: Whether MPs belonged to the majority or the opposition affected parliamentary activity in EU and intergovernmental treaty negotiations.</i>	Historical Institutionalism (Theory of endogenous institutional change)	Partially confirmed	Confirmed	Partially confirmed
<i>H1.3: The higher the ideological polarisation between political parties on EU treaties and intergovernmental treaties on the EMU, the more MPs defended their party's position and stuck to strong group discipline within parliament.</i>	Historical Institutionalism (Theory of endogenous institutional change)	Not confirmed	Confirmed	Confirmed
<b>H2: The higher the salience of EU treaties and intergovernmental treaties on the EMU within parliament, the more likely trends towards the mainstreaming of EU affairs emerged.</b>	Sociological Institutionalism (Motivational approach)  Historical Institutionalism (Theory of endogenous institutional change)	<b>Not confirmed</b>	<b>Not confirmed</b>	<b>Partially confirmed</b>
<i>H2.1: MPs with a "Europeanised" profile tended to be the most involved during EU and intergovernmental treaty negotiations due to their extensive experience in EU affairs.</i>	Sociological Institutionalism (Motivational approach)	Confirmed	Confirmed	Partially confirmed
<i>H2.2: The higher the ideological polarisation on EU treaties and intergovernmental treaties on the EMU, the more sectoral committee members with "technician" profiles became key players of parliamentary activity.</i>	Sociological Institutionalism (Motivational approach) Historical Institutionalism (Theory of endogenous institutional change)	Partially confirmed	Confirmed	Confirmed

<b>H 3: The higher the perceived misfit between treaty provisions on parliamentary participation rights and domestic parliamentary scrutiny systems, the more MPs took initiatives towards institutional change.</b>	Historical Institutionalism (Theory of endogenous institutional change)	<b>Partially confirmed</b>	<b>Confirmed</b>	<b>Partially confirmed</b>
<i>H3.1 : The stronger a parliament's scrutiny system, the less MPs engaged in institutional change.</i>	Historical Institutionalism (Theory of endogenous institutional change)	Partially confirmed	Not confirmed	Confirmed
<i>H3.2: The parliamentary culture (conflictual vs consensual) determined whether MPs with "Europeanised" or "specialised" profiles became the "political entrepreneurs of change".</i>	Historical Institutionalism (Theory of endogenous institutional change) Sociological Institutionalism (Motivational approach)	Confirmed	Confirmed	Confirmed
<i>H3.3: Institutional change within parliaments happened through "layering" in the wake of the ratification of EU treaties and intergovernmental treaties on the EMU.</i>	Historical Institutionalism (Theory of endogenous institutional change)	Partially confirmed	Confirmed	Partially confirmed



The results of our thesis are generalisable, because MPs' motivations to get involved in EU affairs will certainly not differ much from our observations, even in contexts diverging from treaty negotiations. Indeed, whenever EU public policies are being scrutinised in parliaments, we assume that EAC members and EU experts from sectoral committees will keep their hands over EU affairs. Non-EU experts delegate the matters to their most competent colleagues sensitised to EU affairs. Broader attention could be expected whenever an EU directive touches upon a public policy considered as a national priority. In that case, as shown previously, MPs with strategical interests would become active alongside EU-experts. Even though motivations themselves would differ depending on the nature of parliaments' political systems, their EU-accession time, etc, the present thesis offers an analytical framework to assess parliamentary actors' incentives in different contexts and institutional frameworks. The indicators developed to measure the motivational origins of parliamentary involvement could be used in other research settings, notably in the analysis of MPs' involvement in EU affairs in general, in specific EU policies or in interparliamentary networks.

## 9.2 Strengths of the present thesis

The present thesis aimed to analyse parliamentary involvement in EU affairs from a bottom-up perspective, by highlighting the often-ignored role of agents in both parliamentary activity and institutional change. The complementary theoretical approach sought to study the interaction between MPs' motivations and their institutional framework, using both Historical and Sociological Institutionalism. While previous studies on the Europeanisation of national parliaments ranked them according to quantitative criteria in large-N studies (Karlas, 2011; Maurer/Wessels, 2001; Raunio, 2005; Winzen, 2012), we decided to base on a new set of studies emphasising the role of parliamentary actors (Rozenberg, 2018). The Theory of Endogenous Institutional Change permitted not only to analyse evolutionary trends, but also to understand how "political entrepreneurs" of change emerged and led parliamentary reforms. Our focus was on parliamentary practices and their origin, as few was known on this aspect in our three cases. Historical Institutionalism helped us identifying the direction of change in each chamber, in relation to institutional developments on the EU level. Thanks to the motivational approach, we discovered how MPs' socio-demographic features, their opinion on European integration and the role of their parliament in the EU affected their motivations and involvement during negotiations on EU treaties and intergovernmental treaties on the EMU. We observed that institutional change did not always happen in a competitive environment, as assumed by the Theory of Endogenous Institutional Change, but resulted also from MPs' normative reinterpretation of their scrutiny system in a consensual atmosphere, hence the need to move away from a strictly rational and strategical vision of parliamentary involvement. In the end, if we make abstraction from parliaments' formal capacities, we saw that in terms of motivations to get involved in EU affairs, the Luxembourg Chamber of Deputies appears to be the first in the ranking among our three cases. Even though the activity level in Parliament was quite moderate and institutional change barely implemented, all the interviewed parliamentary actors expressed deep interest in EU affairs. Moreover, the analysis of EAC meetings and plenary

debates throughout the period under analysis showed that the same key players insisted continuously on promoting the chamber's role in EU affairs. Of course, we are aware that the motivation level depends highly on the profile of the involved MP. In the chamber's case, a group of senior MPs led by the LSAP EAC Chair pushed constantly to more involvement between 2004 and 2013. Even sovereigntist EAC members actively supported the objectives of the LSAP EAC Chair to increase the proportion of EU matters in Parliament. The large consensus helped MPs to stick to a coherent line with regard to their parliament's role in the European legislative process.

In our new ranking, the Austrian National Council would be second, because the enthusiasm observed among Luxembourgish MPs was not as tangible among Austrian MPs. A small circle of agents highly sensitised to EU matters pushed the parliament to undergo reforms and get more involved in EU affairs, but the growing competition with the Eurosceptic camp and the Eurozone crisis nuanced the tone of the debates. Moreover, several established rules were barely used within the chamber, such as the subsidiarity control mechanism. Cooperation with MEPs within the chamber was not obvious until the anchoring of their rights in another RoP amendment in 2015. Overall, reluctance towards aspects of European integration cast a shadow over MPs' motivations and efforts to strengthen the National Council's role in EU affairs. Finally, the Finnish Eduskunta lands on the last place of our small ranking, partly because of the strong belief of some parliamentary actors that their scrutiny model does not need to be reformed due to its satisfactory functioning, and partly because of the few efforts made to amend the scrutiny system despite some parliamentary actors affirming the opposite. Overall, if we compare the circle of "political entrepreneurs" of change in the Eduskunta and the Chamber of Deputies, we find that despite its higher number of MPs, the Finnish chamber has the lowest amount of key players interested in enhancing their chamber's role in EU affairs. To sum up, the inclusion of motivations in our study shows different results from previous quantitative studies if we consider only the motivational aspect. Therefore, if we come back to the original dichotomy between institutional and emotional Europeanisation, we can say that the Europeanisation level of each chamber is different whether we consider the first or the second element<sup>573</sup>. Indeed, as we just illustrated, both the Austrian and Finnish chambers have an advanced Europeanised scrutiny system from an institutional perspective, but a rather low score in terms of emotional Europeanisation. Reversely, the Luxembourg Chamber of Deputies remains institutionally weak, but its emotional Europeanisation turns out to be more developed than in the two other chambers.

The emphasis on qualitative data, such as interviews, enabled the creation of in-depth and new empirical knowledge on each of our cases. Literature on the Europeanisation of the Luxembourg and Finnish chambers was quite sparse, while attention on the Austrian case was outdated. Thanks to the analysis of parliamentary documents, we managed to retrace chronologically the different negotiation and ratification steps of the treaties within parliaments. Committee reports, plenary and committee debates helped us understanding MPs' positions on

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<sup>573</sup> The difference between institutional and emotional europeanisation has also been emphasised by Olivier Rozenberg on the French parliament, in his book « Les députés français et l'Europe, Tristes hémicycles ? » (2018). The author points out that despite a gradual institutionalization of the parliament's scrutiny system, EU affairs remain relevant and interesting only to a very small circle of EU experts.

the treaties. We completed the documentary research with more than 60 interviews with different parliamentary actors and representatives from other state institutions and the civil society. The crosschecking of information from documents and interviews gave us indications on the functioning of the parliaments, but most importantly on MPs' motivations and opinions on the treaties and European integration.

### 9.3 Limitations

We are aware that the present thesis faces some limitations regarding the theoretical approach, the used data and the results.

Firstly, we deliberately chose to use Historical and Sociological Institutionalism to analyse parliamentary involvement in EU affairs, because we needed to narrow down the research object as well as the corresponding theoretical approach. In our understanding and considering our research goals, we thought that these two complementary approaches were the most appropriate. However, we are aware that our results also show elements that could relate to the last strand of new-institutionalism, i.e. rational choice institutionalism. Indeed, we saw that some key players' motivations were clearly rational-based instead of purely normative. Even though Historical Institutionalism includes both rational and cognitive elements to explain agents' involvement, the thesis focused primarily on the normative origins of MP's incentives.

Secondly, the deliberate choice to analyse parliamentary involvement in exceptional cases such as treaty negotiations obviously presents a bias in terms of the category of involved agents. We are aware that the role of national parliaments is usually circumscribed during treaty negotiations, due to the predominance of governments in the process. Moreover, the small circle of active MPs reflected certain types of profiles that are probably not observable whenever EU public policies are discussed in parliament. We focused on the most involved key players, ignoring at the same time other actors that might deal with EU affairs, but that are maybe more discrete. Indeed, outside of the treaty ratification periods, sectoral committees tend to deal more often with EU matters alongside the EAC than during negotiations on EU treaties or intergovernmental treaties on the EMU. Therefore, results could be somewhat different inside the Luxembourg Chamber of Deputies and the Austrian National Council, because EACs would redistribute EU affairs to other parliamentary committees. Therefore, other actors inside the parliament might become active depending on the public policy in question.

Thirdly, MPs' motivations per se turned out to be difficult to measure exhaustively. The challenge lied in the absence of unanimously accepted and developed criteria on incentives in the secondary literature on Europeanisation. Therefore, we relied on some authors' measurements (Auel/Rozenberg/Tacea, 2015; Rozenberg, 2018) and completed them with own-established criteria. The latter allowed us to design an interview grid that aimed at assessing MPs' opinions on European integration and motivations with regard to EU matters. However, motivations remain a blurred concept that is difficult to grasp as a whole. Parliamentary actors' discourses might not reflect accurately their real motivations, because

they might be subjected consciously or unconsciously to the pressure of prescribed roles from the institution to which they belong.

Finally, on the practical side, we encountered challenges during the data collection. We relied on official data retrieved from parliaments' websites and archives. This means that MPs' informal activities are not included in our research. We are aware that the official parliamentary activity does not reflect entirely the actual practices, but the practical measurement of informal activity would not have been exhaustive either. For the Finnish case, the language barrier represented a considerable hurdle. Moreover, we could not access minutes of committee meetings, as the latter are not publicly available. The collection of statistics was difficult for two reasons: in the Finnish case, statistics were sometimes sparse or not compiled properly; in the Austrian case, the sheer amount of data forced us to proceed with key words, which probably concealed some data.

## 9.4 Outlook for future research

The observation made on parliamentary involvement in EU affairs between 2004 and 2013 was indicative of trends that continued after the studied period until recently. Indeed, we saw that in the Austrian and Finnish case, higher competition fuelled higher parliamentary activity among Eurosceptic MPs, due to an increased polarisation over EU affairs. After 2013, the migration crisis triggered politicisation trends, i.e. increased political awareness and contestation, both in Austria and in Finland (Grande et al., 2018). Luxembourg remained the outsider among our cases, because the highly consensual atmosphere and pro-European position did not lead to any harsh anti-immigration discourses.

On the contrary, the immigration issue became a hot topic in Austria and Finland and was picked up by populists such as the True Finns/Blue Reform Party<sup>574</sup> and the FPÖ. The growing popular support given to these parties helped them foster their anti-EU positions. Anti-immigration discourses aimed to gain popular support for upcoming elections. In 2015, the True Finns gained even more seats in parliament and entered the governmental coalition with the KESK and the KOK until April 2019<sup>575</sup>. Between 2015 and 2019, a Blue Reform minister occupied the position of Minister for Foreign Affairs. This same minister had been actively criticising the treaties mentioned in the present thesis during his MP mandate since 2003. In Austria, legislative elections in 2017 saw the return of the FPÖ in a coalition with the ÖVP (before its fall in May 2019<sup>576</sup>). The rise and over-representation of populists and Eurosceptic MPs in both parliaments surely challenged the mainstream parties' fundamentally pro-European stance on European integration. The ÖVP became more reluctant towards EU-level

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<sup>574</sup> The Blue Reform Party was created after the split of the True Finns in 2017. It is a populist and Eurosceptic party.

<sup>575</sup> See <https://www.toutteleurope.eu/revue-de-presse/revue-de-presse-finlande-les-sociaux-democrates-en-tete-score-historique-pour-l-extreme-droite.html> (last accessed 02.07.2019)

<sup>576</sup> See <https://www.tagesspiegel.de/politik/oesterreich-nach-ibiza-video-was-kurz-und-strache-jetzt-bevorsteht/24359838.html> ; <https://www.faz.net/aktuell/politik/ausland/wie-der-oesterreichische-nationalrat-kurz-regierung-das-vertrauen-entzog-16209465.html> (last accessed 02.07.2019)

measures concerning the migration crisis and the institutional developments of the EU<sup>577</sup>. Just as in Finland with the Blue Reform Party, the FPÖ obtained the mandate of the Minister for Europe, Integration and Foreign Affairs, a clear change compared to the ÖVP-FPÖ-BZÖ coalition from 1999-2007. Indeed, for the first time in an ÖVP-FPÖ coalition, EU affairs were between the hands of the populists. While the ÖVP took the FPÖ in the 1999-2005 coalition to tame the party, the second ÖVP-FPÖ coalition in 2017-2019 was established because of ideological similarities. Indeed, the ÖVP and SPÖ drifted apart during the last coalition, while the ÖVP and FPÖ shared a more conservative political line. In EU affairs, the newly elected Chancellor Kurz was in accord with the FPÖ and declared his objective to fight illegal immigration<sup>578</sup>. In both countries, polarisation between pro-Europeans and populists rose significantly. The distribution of power between classical majority and opposition forces changed, as Eurosceptic MPs became part of the parliamentary majority. With regard to these newest developments, we assume that the highly competitive and politically tense environments encouraged non-EU experts in parliament to become even more active until 2019. Just as during the economic crisis, strategic considerations might have been the main reasons underpinning MPs' involvement in EU affairs, because the media coverage and attention from the public opinion were high on immigration issues. Moreover, the distribution of positions within parliament changed in favour of Eurosceptic MPs. Since 2017, FPÖ MPs are Vice-chairs of the Austrian National Council's EU-Main Committee and EU Sub-Committee, alongside ÖVP Chairs and SPÖ Vice-Chairs. In the Eduskunta, an MP from the Finns Party<sup>579</sup> occupies the position of first GC Vice-Chair, even though the group landed in the opposition in April 2019. However, it still represents the second force in parliament, after the SDP.

Newest developments show that populists in Austria and Finland lost their position in the coalition formations. In Austria, the ÖVP-FPÖ coalition imploded due to the "Ibiza scandal"<sup>580</sup>. The political future remains uncertain in Austria and could lead to two possible paths: a renewed coalition with the FPÖ or the return to previous coalition formations between the ÖVP and SPÖ. The latter could be all the more possible as the two biggest mainstream parties obtained high scores during the European elections in May 2019<sup>581</sup>. In Finland, the Blue Reform Party left the coalition following the 2019 legislative elections in April. However, the party still enjoys popularity among voters, as illustrated by its fourth highest score during the European elections<sup>582</sup>. These political developments might affect the composition and political dynamics within the Austrian and Finnish chambers. Even though populists are not part of the majority anymore, they still represent a big proportion of the seats and can weigh on parliamentary work.

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<sup>577</sup> See <https://derstandard.at/2000102488006/Kurz-fordert-Neuverhandlung-des-EU-Vertrags> (last accessed 02.07.2019)

<sup>578</sup> See <https://www.sueddeutsche.de/politik/wahl-in-oesterreich-kurz-und-strache-regieren-oesterreich-1.3794568> (last accessed 02.07.2019)

<sup>579</sup> The True Finns renamed themselves « The Finns » after their split in June 2017, when 20 MPs left the party to form the "Blue Reform" party in protest against the nomination of a new party leader. See <https://www.neweurope.eu/article/blue-reform-new-party-finnish-far-right/> [last accessed 01.07.2019]

<sup>580</sup> <https://www.theguardian.com/world/2019/may/20/austria-ibiza-scandal-sting-operation-what-happened-why-does-it-matter> (last accessed 02.07.2019)

<sup>581</sup> See [https://www.bmi.gv.at/412/Europawahlen/Europawahl\\_2019/start.aspx](https://www.bmi.gv.at/412/Europawahlen/Europawahl_2019/start.aspx) (last accessed 02.07.2019)

<sup>582</sup> See <https://election-results.eu/finland/> (last accessed 02.07.2019)

In terms of institutional change in the three cases, we observed the same trends. Without surprise, the Austrian Parliament implemented the most reforms, while the Finnish and Luxembourg chambers barely changed anything to their scrutiny system. In 2013, the National Council modified its EU database to make it more transparent. In 2015, European and international personalities obtained the right to make a declaration in plenary (§19a GOG-NR). Moreover, sectoral committees were allowed to give their advice on reports produced by the EU Main Committee (§31d GOG-NR). MEPs received the right to participate in EU debates with a consultative voice. The new provisions also added EU declarations of government members twice per year in parliament before meetings of the European Council or the Council. However, the effective implementation of such instruments remains circumscribed and highly dependent on the willingness of MPs to make use of their rights. In Luxembourg, the European Semester triggered some discussions within the chamber (Interview 24, 2018). On the 16<sup>th</sup> March 2015, MPs and civil servants from the Ministry of Finance met informally in parliament to reflect on procedural changes in the wake of the European Semester<sup>583</sup>. However, no concrete rules were implemented in the end.

The theoretical approach used in the present thesis could be interesting for further in-depth analyses of MPs' involvement in EU affairs. Europeanisation literature is still missing in-depth knowledge on patterns and origins of parliamentary involvement in several parliaments across the EU. Therefore, future research should dig deeper into the motivational aspects of Europeanisation and parliamentary involvement to complement the existing observations made on parliaments' institutional Europeanisation. Qualitative-based research helps opening the parliamentary "black box" and understanding the dynamics between the actors and their incentives to act in a certain way. By incorporating systematically the motivational approach, future research projects might be able to assess actual parliamentary involvement and institutional change. Existing rankings on parliamentary strength in EU affairs could also be refined and possibly modified by taking into account the motivational elements constituting parliamentary involvement.

The present thesis focused mainly on the micro-level through the analysis of single MPs' motivations underpinning parliamentary activity and institutional change. We explained among others how MPs' political affiliation and positioning affected their motivations, but future research could assess more thoroughly the link between political dynamics within parliamentary groups or parties and their impact on individual motivations. Indeed, as we saw in the present thesis, political affiliations play a significant role in the orientation of MPs' involvement in EU affairs. As outlined previously, it could be interesting to analyse these dynamics in more recent contexts, such as the migration crisis since 2015, or the impact of rising populism and how it affects parliamentary involvement and MPs' motivations in EU affairs.

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583 See Procès-verbal de la réunion informelle du 16 mars 2015 sur la mise en place de « procédures » relatives au semestre européen au sein de la Chambre des Députés, Chambre des Députés, 2014-2015, CG/pk



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## Appendixes

### APPENDIX 1: Tables

#### **LUXEMBOURG**

**Table A: Parliamentary meetings on the CT, Chamber of Deputies**

Date	Type of parliamentary activity	Nature of document	Subject discussed
<b>Ordinary session 2003-2004</b>			
<b>01.07.2003</b>	64th plenary session	Minutes of plenary session	Debate on final document of Convention on the future of Europe; discussion on organisation of national referendum on Constitutional treaty
<b>30.01.2004</b>	Meeting of the CFEADCI*	Minutes of committee meeting	IGC on Constitutional treaty
<b>04.02.2004</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Luxembourgish position on Constitutional treaty
<b>Extraordinary session 2004</b>			
<b>20.09.2004</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Luxembourg EU Presidency; internal scrutiny procedures in EU affairs
<b>11.10.2004</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Luxembourg EU Presidency; internal scrutiny procedures in EU affairs; Constitutional treaty
<b>12.10.2004</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Luxembourg EU Presidency; Luxembourgish referendum on Constitutional treaty
<b>13.10.2004</b>	Meeting of CIRC**	Minutes of committee meeting	Discussion on organisation of referendum on Constitutional treaty
<b>20.10.2004</b>	Meeting of CIRC**	Minutes of committee meeting	Discussion on organisation of referendum on Constitutional treaty
<b>27.10.2004</b>	Meeting of CIRC**	Minutes of committee meeting	Discussion on organisation of referendum on Constitutional treaty
<b>15.11.2004</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Priorities of Luxembourg EU Presidency
<b>24.11.2004</b>	Meeting of the CFEADCI* Meeting of CIRC**	Minutes of committee meeting	Internal scrutiny procedures on EU affairs  Discussion on organisation of referendum on Constitutional treaty
<b>29.11.2004</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Luxembourgish referendum on Constitutional treaty
<b>10.01.2005</b>	Meeting of the CFEADCI*	Minutes of committee meeting	National law implementing Luxembourgish referendum on Constitutional treaty
<b>28.02.2005</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Examination of law ratifying constitutional treaty
<b>02.03.2005</b>	Meeting of CIRC**	Minutes of committee meeting	Discussion on law proposal organising

			referendum on Constitutional treaty
<b>07.03.2005</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Examination of law ratifying constitutional treaty
<b>23.03.2005</b>	Meeting of CIRC**	Minutes of committee meeting	Discussion on Council of State opinion on law proposal organising referendum on Constitutional treaty
<b>24.03.2005</b>	Meeting of CIRC**	Minutes of committee meeting	Adoption of parliamentary report on law proposal organising referendum on Constitutional treaty
<b>12.04.2005</b>	29 <sup>th</sup> plenary session	Minutes of plenary session	Discussion on law proposal on Constitutional treaty
<b>22.04.2005</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Audition with civil society in framework of referendum on Constitutional treaty
<b>25.04.2005</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Examination of Council of State opinion on Constitutional treaty
<b>29.04.2005</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Constitutional treaty; Audition with civil society in framework of referendum on Constitutional treaty
<b>06.05.2005</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Audition with civil society in framework of referendum on Constitutional treaty
<b>20.05.2005</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Meeting with members of General Affairs Group of European Council and discussion on Constitutional treaty
<b>30.05.2005</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Discussion on results of French referendum on Constitutional treaty
<b>06.06.2005</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Examination of parliamentary report on Constitutional treaty
<b>08.06.2005</b>	38 <sup>th</sup> plenary session	Minutes of plenary session	Discussion on second parliamentary vote on Constitutional treaty depending on referendum results
<b>20.06.2005</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Discussion on results of French referendum on Constitutional treaty
<b>28.06.2005</b>	42 <sup>nd</sup> plenary session	Minutes of plenary session	First vote on the Treaty establishing a Constitution for Europe
<b>11.07.2005</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Discussion on results of French referendum on Constitutional treaty; internal scrutiny procedures on EU affairs
<b>12.07.2005</b>	46 <sup>th</sup> plenary session	Minutes of plenary session	Debate on results of national referendum on Constitutional treaty
<b>Ordinary session 2005-2006</b>			

<b>25.10.2005</b>	5 <sup>th</sup> plenary session	Minutes of plenary session	Discussion on law proposal ratifying Constitutional treaty
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\* Committee on Foreign and European Affairs, Defence, Cooperation and Immigration

\*\*Committee on Institutions and Constitutional Revision

Source: Own calculations,

<http://www.chd.lu/wps/portal/public/Accueil/TravailALaChambre/Recherche/RoleDesAffaires> (last accessed 02.03.2018).

**Table B: Parliamentary instruments used by MPs to scrutinise the CT, Chamber of Deputies**

Date	Type of parliamentary instrument	Initiator	Topic	Status
<b>13.02.2003, 31<sup>st</sup> plenary session</b>	Motion	Gast Gybérien, Fernand Greisen, Jacques-Yves Henckes, Jean-Pierre Koepp, Robert Mehlen (ADR)	National referendum on Constitutional treaty	Rejected
<b>01.07.2003, 64<sup>th</sup> plenary session</b>	Resolution	Ben Fayot, Jean Asselborn, Alex Bodry, Jeannot Krecké, Jos Scheuer (LSAP)	National referendum on Constitutional treaty	Adopted
<b>01.07.2003, 64<sup>th</sup> plenary session</b>	Motion	Ben Fayot (LSAP)	IGC on Constitutional treaty	Adopted
<b>01.07.2003, 64<sup>th</sup> plenary session</b>	Motion	Renée Wagener, François Bausch, Robert Garcia, Camille Gira, Jean Huss (Déi Gréng)	Revision of EURATOM treaty	Rejected
<b>01.07.2003, 64<sup>th</sup> plenary session</b>	Motion	Renée Wagener, François Bausch, Robert Garcia, Camille Gira, Jean Huss (Déi Gréng)	IGC on Constitutional treaty	Rejected
<b>14.10.2003</b>	Written question n° 328	Laurent Mosar (CSV)	Organisation of referendum on Constitutional treaty	Answered (Minister for Foreign Affairs)
<b>24.10.2003</b>	Written question n° 2369	Ben Fayot (LSAP)	Organisation of information campaign on Constitutional treaty	Answered (Minister for Foreign Affairs)
<b>08.03.2004</b>	Written question n° 2656	Ben Fayot (LSAP)	Dismantling of EURATOM control service	Answered (Minister for Foreign Affairs)
<b>19.10.2004</b>	Written question n°0675	Claude Meisch (DP)	Reinforced cooperation in the EU	Answered (Prime Minister)
<b>03.03.2005</b>	Written question n° 330	Ben Fayot (LSAP)	EURATOM institution	Answered (Minister for Foreign Affairs)
<b>08.06.2005, 38<sup>th</sup> plenary session</b>	Resolution	Ben Fayot (LSAP)	Second constitutional vote by parliament should depend on referendum results	Adopted
<b>14.06.2005</b>	Written question n°0476	Aly Jaerling (ADR)	Referendum on Constitutional treaty	Answered (Prime Minister)
<b>15.06.2005</b>	Written question n°477	Aly Jaerling (ADR)	Financing of information campaign on national referendum on Constitutional treaty	Answered (Minister for Foreign Affairs)
<b>21.06.2005, 41<sup>st</sup> plenary session</b>	Resolution	Ben Fayot (LSAP)	Date of national referendum on Constitutional treaty	Adopted

<b>12.07.2005, 46<sup>th</sup> plenary session</b>	Motion	François Bausch, Claude Adam, Félix Braz, Camille Gira, Henri Kox, Viviane Loschetter (Déi Gréng)	Develop knowledge on EU in schools	Adopted
<b>02.08.2005</b>	Written question n°0539	Aly Jaerling (ADR)	Information campaign during referendum on Constitutional Treaty	Answered (Prime Minister)
<b>08.09.2005</b>	Written question n°589	Ben Fayot (LSAP)	Ratification deadline of Constitutional treaty	Answered (Minister for Foreign Affairs)
<b>22.09.2005</b>	Written question n°0619	Claude Meisch (DP)	Ratification of Constitutional Treaty	Answered (Prime Minister)

Source: Own calculations<sup>584</sup>.

**Table C: Parliamentary meetings on institutional reforms in the context of the CT, Chamber of Deputies**

Date	Type of parliamentary activity	Nature of document	Subject discussed
<b>Extraordinary session 2004</b>			
<b>20.09.2004</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Luxembourg EU Presidency; internal scrutiny procedures in EU affairs
<b>11.10.2004</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Luxembourg EU Presidency; internal scrutiny procedures in EU affairs; Constitutional treaty
<b>24.11.2004</b>	Meeting of the CFEADCI* Meeting of CIRC**	Minutes of committee meeting	Internal scrutiny procedures on EU affairs  Discussion on organisation of referendum on Constitutional treaty
<b>11.07.2005</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Discussion on results of French referendum on Constitutional treaty; internal scrutiny procedures on EU affairs
<b>03.10.2005</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Discussion on test phase subsidiarity control
<b>Ordinary session 2005-2006</b>			
<b>24.10.2005</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Discussion on delay in EU directive implementation
<b>28.11.2005</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Internal scrutiny procedures in EU affairs
<b>23.01.2006</b>	Meeting of the CFEADCI*	Minutes of committee meeting	European strategy of the chamber

<sup>584</sup> Calculations on the basis of the Chamber's analytical tables and the online archives of the parliament, <http://www.chd.lu/wps/portal/public/Accueil/TravailALaChambre/SeancesPubliques/ComptesRendusSeances> ; [http://www.chd.lu/wps/portal/public/Accueil/TravailALaChambre/Recherche/RechercheArchives/!ut/p/z1/nZC7DoJAEW\\_hS\\_YYXiXvDK7QEDABdzGUBESRQvj92uIhTQrcbqbnHMzuUyxgallfM7T-Jhvy3h555Nyz-hzHpbpEakqUghl4ucZHEziDutXIMGka4SN4McBgqC6yGPTAWotpvb4sLkQogYjC4Aq\\_Mf\\_btrnawClr-ZWhHdAluAvNoGzNLMk2lpUeB-AN0Gv764X6WUA8xiMowX6GTAgg!!/dz/d5/L0IDU0IKSWdrbUEhIS9JRFJBQUlpQ2dBek15cXchLzRKQ2lqb01MdEJqZFJQWVZERUEhL1o3XzI4SEhBTkVUMkdPTEUwQVVEOEtKMFAxOFU3LzA!/?PC\\_Z7\\_28HHANET2GOLE0AUD8KJ0P18U7019404\\_action=query&PC\\_Z7\\_28HHANET2GOLE0AUD8KJ0P18U7019404\\_newsearch=true#Z7\\_28HHANET2GOLE0AUD8KJ0P18U7](http://www.chd.lu/wps/portal/public/Accueil/TravailALaChambre/Recherche/RechercheArchives/!ut/p/z1/nZC7DoJAEW_hS_YYXiXvDK7QEDABdzGUBESRQvj92uIhTQrcbqbnHMzuUyxgallfM7T-Jhvy3h555Nyz-hzHpbpEakqUghl4ucZHEziDutXIMGka4SN4McBgqC6yGPTAWotpvb4sLkQogYjC4Aq_Mf_btrnawClr-ZWhHdAluAvNoGzNLMk2lpUeB-AN0Gv764X6WUA8xiMowX6GTAgg!!/dz/d5/L0IDU0IKSWdrbUEhIS9JRFJBQUlpQ2dBek15cXchLzRKQ2lqb01MdEJqZFJQWVZERUEhL1o3XzI4SEhBTkVUMkdPTEUwQVVEOEtKMFAxOFU3LzA!/?PC_Z7_28HHANET2GOLE0AUD8KJ0P18U7019404_action=query&PC_Z7_28HHANET2GOLE0AUD8KJ0P18U7019404_newsearch=true#Z7_28HHANET2GOLE0AUD8KJ0P18U7) (last accessed 02.03.2018).

<b>13.02.2006</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Discussion on internal selection of EU documents
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\* Committee on Foreign and European Affairs, Defence, Cooperation and Immigration

\*\*Committee on Institutions and Constitutional Revision

Source: Own calculations<sup>585</sup>

**Table D: Parliamentary meetings on the LT, Chamber of Deputies**

<b>Date</b>	<b>Type of parliamentary activity</b>	<b>Nature of document</b>	<b>Subject discussed</b>
<b>12.06.2006</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Examination of parliamentary report on Constitutional treaty
<b>26.06.2006</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Examination of parliamentary report on Constitutional treaty
<b>Ordinary session 2006-2007</b>			
<b>07.05.2007</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Discussion on future of Constitutional treaty
<b>18.05.2007</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Discussion on future of Constitutional treaty
<b>13.06.2007</b>	36 <sup>th</sup> plenary session	Minutes of plenary session	Consultation debate on mandate for IGC on new European constitutional treaty
<b>18.06.2007</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Discussion on future of Constitutional treaty
<b>25.06.2007</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Discussion on future of Constitutional treaty
<b>10.09.2007</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Discussion on future Lisbon treaty
<b>08.10.2007</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Discussion on future Lisbon treaty
<b>Ordinary session 2007-2008</b>			
<b>17.10.2007</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Discussion on future Lisbon treaty
<b>22.10.2007</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Discussion on future Lisbon treaty
<b>24.10.2007</b>	Topical debate	Minutes of plenary session	Debate on new Lisbon treaty
<b>09.11.2007</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Public audition on Lisbon treaty in framework of information campaign
<b>19.11.2007</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Evaluation of public audition on Lisbon treaty
<b>20.12.2007</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Discussion on future Lisbon treaty
<b>18.01.2008</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Public audition on Lisbon treaty in framework of information campaign
<b>11.02.2008</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Nomination of rapporteur on Lisbon treaty
<b>22.02.2008</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Public audition on Lisbon treaty in framework of information campaign
<b>19.05.2008</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Discussion on ratification law on Lisbon treaty
<b>21.05.2008</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Adoption of ratification law on Lisbon treaty
<b>29.05.2008</b>	43 <sup>rd</sup> plenary session	Minutes of plenary session	Discussion on law proposal ratifying Lisbon treaty

<sup>585</sup> Calculations on the basis of the Chamber's analytical tables and the online archives of the parliament.

<b>18.06.2008</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Discussion on negative referendum in Ireland
<b>21.06.2008</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Discussion on negative referendum in Ireland
<b>14.07.2008</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Discussion on negative referendum in Ireland; Internal scrutiny procedures in EU affairs
<b>15.12.2008</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Discussion on ratification law on Lisbon treaty

\* Committee on Foreign and European Affairs, Defence, Cooperation and Immigration

Source: Own calculations<sup>586</sup>

**Table E: Parliamentary instruments used by MPs to scrutinise the LT, Chamber of Deputies**

<b>Date</b>	<b>Type of parliamentary instrument</b>	<b>Initiator</b>	<b>Topic</b>	<b>Status</b>
<b>20.06.2006</b>	Oral question n°110	Paul Helminger (DP)	Ratification process of Constitutional treaty	Answered (Minister for Foreign Affairs)
<b>15.11.2006</b>	Oral question n°136	Charles Goerens (DP)	Future of Constitutional treaty	Answered (Minister for Foreign Affairs)
<b>29.01.2007</b>	Written question n° 142	Ben Fayot (LSAP)	Future of constitutional treaty	Answered (Deputy-minister for Foreign Affairs)
<b>30.01.2007</b>	Written question n° 141	Charles Goerens (DP)	Relaunch of debate on constitution for Europe	Answered (Deputy-minister for Foreign Affairs)
<b>07.06.2007</b>	Request for orientation debate	LSAP parliamentary group	Debate prior to European Council summit on Mandate of IGC on constitutional treaty	Accepted
<b>13.06.2007</b>	Motion	Ben Fayot (LSAP)	Future of Constitutional treaty	Accepted
<b>12.09.2007</b>	Written question n° 1972	Laurent Mosar (CSV)	Future of EU constitutional treaty	Answered (Minister for Foreign Affairs)
<b>17.10.2007</b>	Request for topical debate	CFEADCI*	Future EU treaty	Discussed in 4 <sup>th</sup> plenary session, 23.10.2007
<b>23.10.2007, 4<sup>th</sup> plenary session</b>	Motion	Jacques-Yves Henckes (ADR)	Request organisation of referendum on Lisbon treaty	Lapsed
<b>23.10.2007, 4<sup>th</sup> plenary session</b>	Resolution	Ben Fayot (LSAP)	Ratification vote on Lisbon treaty requested to be parliamentary	Accepted
<b>18.12.2007</b>	Oral question n° 234	Xavier Bettel (DP)	Working group on the future of EU	Answered (Minister for Foreign Affairs)
<b>24.07.2009</b>	Written question n°0011	Fernand Kartheiser (ADR)	Composition of European Commission and maintenance of Luxembourgish Commissioner	Answered (Prime Minister)

\* Committee on Foreign and European Affairs, Defence, Cooperation and Immigration

<sup>586</sup> Calculations on the basis of the Chamber's analytical tables and the online archives of the parliament.



Source: <http://www.chd.lu/wps/portal/public/Accueil/TravailALaChambre/Recherche/RoleDesAffaires> (last accessed 01.07.2019)

**Table F: Parliamentary meetings on institutional reforms in the context of the LT, Chamber of Deputies**

Date	Type of parliamentary activity	Nature of document	Subject discussed
12.06.2006	Meeting of the CFEADCI*	Minutes of committee meeting	Discussion of working paper on Chamber's goals in EU scrutiny
26.06.2006	Meeting of the CFEADCI*	Minutes of committee meeting	Discussion of working paper on Chamber's goals in EU scrutiny
14.07.2006	Meeting of the CFEADCI*	Minutes of committee meeting	Internal scrutiny procedures in EU affairs
17.07.2006	Meeting of the CFEADCI*	Minutes of committee meeting	Discussion on cooperation ChD/ European Parliament
09.10.2006	Meeting of the CFEADCI*	Minutes of committee meeting	Internal scrutiny procedures in EU affairs
<b>Ordinary session 2006-2007</b>			
16.10.2006	Meeting of the CFEADCI*	Minutes of committee meeting	First time European commissioner attending meeting of CFEADCI
16.11.2006	Meeting of the CFEADCI*	Minutes of committee meeting	Discussion on internal selection of EU documents
29.01.2007	Meeting of the CFEADCI*	Minutes of committee meeting	Evaluation of European strategy of the chamber
12.02.2007	Meeting of the CFEADCI*	Minutes of committee meeting	Evaluation of European strategy of the chamber
16.04.2007	Meeting of the CFEADCI*	Minutes of committee meeting	Evaluation of European strategy of the chamber
07.05.2007	Meeting of the CFEADCI*	Minutes of committee meeting	Discussion on information exchange Chamber-Government
02.07.2007	Meeting of the CFEADCI*	Minutes of committee meeting	Debate on report on governmental European policy
<b>Ordinary session 2007-2008</b>			
21.01.2008	Meeting of the CFEADCI*	Minutes of committee meeting	Discussion on information exchange on EU matters between parliament and government
18.02.2008	Meeting of the CFEADCI*	Minutes of committee meeting	Discussion on memorandum on information exchange on EU matters between chamber and government
07.07.2008	Meeting of the CFEADCI*	Minutes of committee meeting	Internal scrutiny procedures in EU affairs
14.07.2008	Meeting of the CFEADCI*	Minutes of committee meeting	Discussion on negative referendum in Ireland; Internal scrutiny procedures in EU affairs
15.09.2008	Meeting of the CFEADCI*	Minutes of committee meeting	Discussion on information policy towards MEPs
27.10.2008	Meeting of the CFEADCI*	Minutes of committee meeting	Debate on report on governmental European policy
05.01.2009	Meeting of the CFEADCI*	Minutes of committee meeting	Discussion on memorandum on information exchange on EU matters between chamber and government

<b>08.01.2009</b>	Meeting of CRP***	Minutes of committee meeting	Discussion on information exchange between parliament and government
<b>09.02.2009</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Discussion on internal selection of EU documents
<b>18.03.2009</b>	Meeting of CIRC**	Minutes of committee meeting	Discussion on introduction in Constitution of chapter on EU affairs
<b>04.05.2009</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Evaluation of European strategy of the chamber
<b>05.05.2009</b>	Meeting of CRP***	Minutes of committee meeting	Parliamentary report on modification of RoP introducing rules on cooperation between parliament and government on EU affairs
<b>Extraordinary session 2009</b>			
<b>14.09.2009</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Evaluation of internal selection procedure of EU documents
<b>08.10.2009</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Discussion on internal selection of EU documents
<b>Ordinary session 2009-2010</b>			
<b>09.11.2009</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Discussion on institutional part of Lisbon treaty; procedure of information exchange with MEPs
<b>30.06.2010</b>	Meeting of CRP***	Minutes of committee meeting	Discussion on modification of RoP after Lisbon treaty
<b>14.07.2010</b>	44 <sup>th</sup> plenary session	Minutes of plenary session	Discussion on modification of RoP in framework of Lisbon treaty
<b>22.07.2010</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Discussion on new rules in Lisbon treaty on role of national parliaments

\* Committee on Foreign and European Affairs, Defence, Cooperation and Immigration

\*\*Committee on Institutions and Constitutional Revision

\*\*\*Committee on Rules of Procedures

Source: <http://www.chd.lu/wps/portal/public/Accueil/TravailALaChambre/Recherche/RoleDesAffaires> (last accessed 01.07.2019)

**Table G: Parliamentary meetings on the ESM and the TSCG, Chamber of Deputies**

<b>Date</b>	<b>Type of parliamentary activity</b>	<b>Nature of document</b>	<b>Subject discussed</b>
<b>15.12.2010</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Discussion on IGC on ESM
<b>Ordinary session 2010-2011</b>			
<b>08.03.2011</b>	25 <sup>th</sup> plenary session	Minutes of plenary session	Consultation debate on European Stability Pact and economic governance in EU
<b>07.06.2011</b>	35 <sup>th</sup> plenary session	Minutes of plenary session	Topical debate on management of economic crisis in Europe
<b>14.07.2011</b>	46 <sup>th</sup> plenary session	Minutes of plenary session	Discussion on sovereign debt crisis
<b>15.09.2011</b>	47 <sup>th</sup> plenary session	Minutes of plenary session	Discussion on Luxembourg's financial participation in EFSF

<b>Ordinary session 2011-2012</b>			
<b>16.11.2011</b>	Debate on Foreign policy declaration	Minutes of plenary session	Declaration of foreign affairs minister and discussion on economic crisis and future of EU
<b>06.12.2011</b>	7 <sup>th</sup> plenary session	Minutes of plenary session	Debate on Budget 2012 and European Semester
<b>14.12.2011</b>	12 <sup>th</sup> plenary session	Minutes of plenary session	Discussion on EU summit establishing Fiscal Compact
<b>16.01.2012</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Discussion on European Fiscal Compact
<b>26.01.2012</b>	14 <sup>th</sup> plenary session	Minutes of plenary session	Government declaration on position on Fiscal Compact
<b>06.02.2012</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Discussion on Fiscal Compact
<b>06.03.2012</b>	Topical debate, 18 <sup>th</sup> plenary session	Minutes of plenary session	Discussion on greek sovereign debt and stability mechanism
<b>20.03.2012</b>	Meeting of COMFI**	Minutes of committee meeting	Discussion on laws implementing ESM and EU treaty revision in framework of ESM (Article 136 TFEU)
<b>09.05.2012</b>	27 <sup>th</sup> and 28 <sup>th</sup> plenary sessions	Minutes of plenary session	Discussion on the state of the nation, economic crisis and future of EU
<b>16.05.2012</b>	Meeting of COMFI**	Minutes of committee meeting	Visit EFSF
<b>19.06.2012</b>	Meeting of COMFI**	Minutes of committee meeting	Discussion on ESM
<b>22.06.2012</b>	Meeting of COMFI**	Minutes of committee meeting	Discussion on parliamentary reports on laws implementing ESM
<b>26.06.2012</b>	34 <sup>th</sup> plenary session	Minutes of plenary session	Ratification of laws implementing ESM and EU treaty revision in framework of ESM (Article 136 TFEU)
<b>Ordinary session 2012-2013</b>			
<b>17.12.2012</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Discussion on article 13 interparliamentary conference Fiscal Compact
<b>19.12.2012</b>	19 <sup>th</sup> plenary session	Minutes of plenary session	Discussion on role of national parliaments in future European budgetary union
<b>08.01.2013</b>	Meeting of COMFI**	Minutes of committee meeting	Discussion on Fiscal Compact
<b>27.02.2013</b>	23 <sup>rd</sup> plenary session	Minutes of plenary session	Ratification of Fiscal Compact
<b>04.03.2013</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Discussion on article 13 interparliamentary conference Fiscal Compact
<b>25.04.2013</b>	Meeting of COMFI**	Minutes of committee meeting	Adaptation of scrutiny procedures to European Semester
<b>09.07.2014</b>	30 <sup>th</sup> plenary session	Minutes of plenary session	Ratification of national law on coordination and governance of public finances implementing Fiscal Compact

\* Committee on Foreign and European Affairs, Defence, Cooperation and Immigration

\*\*Finance Committee

Source: <http://www.chd.lu/wps/portal/public/Accueil/TravailALaChambre/Recherche/RoleDesAffaires> (last accessed 01.07.2019)

**Table H: Parliamentary instruments used by MPs to scrutinise the ESM and the TSCG, Chamber of Deputies**

Date	Type of parliamentary instrument	Initiator	Topic	Status
15.12.2009	Interpellation	Claude Meisch (DP)	Future of Luxembourg's financial place	Discussed in 31 <sup>st</sup> plenary session, 01.06.2010
07.12.2010, 12 <sup>th</sup> plenary session	Motion	Alex Bodry (LSAP)	Government requested to associate parliament in budgetary procedure in framework of European Semester	Adopted
23.12.2010	Written question n° 1121	Fernand Kartheiser (ADR)	FESF	Answered (Finance minister, Prime Minister)
08.02.2011	Request for topical debate	LSAP parliamentary group	Economic governance in the EU	Transformed into consultation debate
08.03.2011, 25 <sup>th</sup> plenary session	Motion	Déi Gréng parliamentary group	Requests government to support solidarity pact on EU level	Transferred to Finance Committee
26.05.2011	Request for topical debate	Déi Gréng parliamentary group	Management of the economic crisis by the EU	Discussed in 35 <sup>th</sup> plenary session, 07.06.2011
07.06.2011	Interpellation	Claude Meisch (DP)	European debt crisis	Discussed in 46 <sup>th</sup> plenary session, 14.07.2011
28.11.2011	Written question n° 1775	Lydie Polfer (DP)	Reform of EU treaties	Answered (Prime Minister)
07.12.2011, 8 <sup>th</sup> plenary session	Urgent question n°1787	Gast Gibéryen (ADR)	Reform of EU treaties, Governmental position on EU treaty revisions and Fiscal Compact	Answered (Finance minister)
14.12.2011	Motion	François Bausch (Déi Gréng)	Reinforcement of fiscal solidarity and financial regulation	Rejected
02.01.2012	Urgent question n° 1827	François Bausch (Déi Gréng)	Governmental position on international agreement aiming at reinforcing economic governance in EMU	Answered (Prime Minister)
25.01.2012	Written question n° 1887	Fernand Kartheiser (ADR)	ESM	Missed deadline for answer
26.01.2012, 14 <sup>th</sup> plenary session	Motion	Claude Meisch (DP)	Necessity of impact assessments in fiscal matters and development of long-term strategy in fiscal policy	Adopted
13.02.2012	Request for orientation debate	Octavie Modert (Minister for Relations with parliament)	Orientation of governmental budgetary policy in framework of European Semester	Discussed in 22 <sup>nd</sup> plenary session, 29.03.2012
30.03.2012	Written question n°2044	Fernand Kartheiser (ADR)	Additional financial contribution of Luxembourg to help package	Answered (Prime Minister, Finance Minister)
18.05.2012	Written question n°2112	Fernand Kartheiser (ADR)	Fiscal Compact	Answered (Prime Minister, Finance Minister)
26.06.2012, 34 <sup>th</sup> plenary session	Motion	François Bausch (Déi Gréng)	Transparency of governance of ESM	Adopted

<b>26.06.2012, 34<sup>th</sup> plenary session</b>	Motion	François Bausch (Déi Gréng)	Reinforcement of ESM action	Rejected
<b>26.06.2012, 34<sup>th</sup> plenary session</b>	Motion	François Bausch (Déi Gréng)	Respect of employment objectives and social protection in framework of ESM	Rejected
<b>03.07.2012, 36<sup>th</sup> plenary session</b>	Resolution	Claude Meisch (DP)	Organisation of orientation debate on consequences of competence transfer in fields of budgetary, financial and economic policies towards EU	Accepted
<b>20.08.2012</b>	Urgent question n° 2243	Fernand Kartheiser, Gast Gibéryen (ADR)	Potential burst of Eurozone	Answered (Prime Minister, Finance Minister, Minister for Foreign Affairs)
<b>18.12.2012</b>	Resolution	Ben Fayot (LSAP)	Role of national parliaments in future budgetary, financial and economic union	Accepted
<b>16.04.2013</b>	Written question n° 2668	Jean Colombero (Independent)	Eurozone crisis	Answered (Finance Minister)
<b>06.06.2013</b>	Request for topical debate	CSV, DP, LSAP, Déi Gréng parliamentary groups	Recommendations of EU Commission on Stability and Growth Pact	Discussed in 38 <sup>th</sup> plenary session, 18.06.2013

Source: <http://www.chd.lu/wps/portal/public/Accueil/TravailALaChambre/Recherche/RoleDesAffaires> (last accessed 01.07.2019)

**Table I: Parliamentary meetings on institutional reforms in the context of the ESM and TSCG, Chamber of Deputies**

Date	Type of parliamentary activity	Nature of document	Subject discussed
<b>Ordinary session 2012-2013</b>			
<b>01.06.2010</b>	31 <sup>st</sup> plenary session	Minutes of plenary session	Discussion on preservation of Luxembourg financial place, regulation of financial markets
<b>19.12.2010</b>	19 <sup>th</sup> plenary session	Minutes of plenary session	Discussion on LSAP resolution on the role of parliaments in the budgetary union
<b>14.07.2011</b>	46 <sup>th</sup> plenary session	Minutes of plenary session	Discussion on sovereign debt crisis
<b>15.09.2011</b>	47 <sup>th</sup> plenary session	Minutes of plenary session	Discussion on Luxembourg's financial participation in EFSF
<b>Ordinary session 2011-2012</b>			
<b>06.12.2011</b>	7 <sup>th</sup> plenary session	Minutes of plenary session	Debate on Budget 2012 and European Semester
<b>26.01.2012</b>	14 <sup>th</sup> plenary session	Minutes of plenary session	Government declaration on position on Fiscal Compact
<b>20.03.2012</b>	Meeting of COMFI**	Minutes of committee meeting	Discussion on laws implementing ESM and EU treaty revision in framework of ESM (Article 136 TFEU)
<b>17.12.2012</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Discussion on article 13 interparliamentary conference Fiscal Compact
<b>19.12.2012</b>	19 <sup>th</sup> plenary session	Minutes of plenary session	Discussion on role of national parliaments in

			future European budgetary union
<b>08.01.2013</b>	Meeting of COMFI**	Minutes of committee meeting	Discussion on Fiscal Compact
<b>27.02.2013</b>	23 <sup>rd</sup> plenary session	Minutes of plenary session	Ratification of Fiscal Compact
<b>04.03.2013</b>	Meeting of the CFEADCI*	Minutes of committee meeting	Discussion on article 13 interparliamentary conference Fiscal Compact
<b>25.04.2013</b>	Meeting of COMFI**	Minutes of committee meeting	Adaptation of scrutiny procedures to European Semester
<b>18.11.2014</b>	Meeting of CRP***	Minutes of committee meeting	Amendments to RoP on budgetary procedures

\* Committee on Foreign and European Affairs, Defence, Cooperation and Immigration

\*\*Finance Committee

\*\*\*Committee on Rules of Procedures

Source: <http://www.chd.lu/wps/portal/public/Accueil/TravailALaChambre/Recherche/RoleDesAffaires> (last accessed 01.07.2019)

## **AUSTRIA**

**TABLE J: Parliamentary meetings on the CT, National Council**

<b>Date</b>	<b>Type of parliamentary activity</b>	<b>Nature of document</b>	<b>Subject discussed</b>
<b>Ordinary session 2002-2003</b>			
<b>30.09.2003</b>	Meeting EU HA	Minutes of committee meeting	Preparation of the IGC; Discussion on the draft text of the constitutional treaty
<b>Ordinary session 2003-2004</b>			
<b>14.10.2003</b>	Meeting EU HA	Minutes of committee meeting	Preparation of the IGC; Discussion on the draft text of the constitutional treaty
<b>25.11.2003</b>	Meeting EU HA	Minutes of committee meeting	Discussion on the draft text of the constitutional treaty
<b>09.12.2003</b>	Meeting EU HA	Minutes of committee meeting	Preparation of the IGC; Discussion on the draft text of the constitutional treaty
<b>17.03.2004</b>	Meeting EU HA	Minutes of committee meeting	Preparation of the IGC; Discussion on the draft text of the constitutional treaty
<b>04.06.2004</b>	Plenary session	Minutes of plenary session	Discussion on Austria's position during negotiations on Constitutional treaty
<b>15.06.2004</b>	Meeting EU HA	Minutes of committee meeting	Preparation of the IGC; Discussion on the draft text of the constitutional treaty
<b>25.06.2004</b>	69 <sup>th</sup> plenary session	Minutes of plenary session	Federal Chancellor explains June IGC on Constitutional Treaty
<b>11.08.2004</b>	Meeting EU HA	Minutes of committee meeting	Discussion on the draft text of the constitutional treaty
<b>Ordinary session 2004-2005</b>			

<b>18.10.2004</b>	Meeting EU HA	Minutes of committee meeting	Discussion on the draft text of the constitutional treaty
<b>03.11.2004</b>	Meeting EU HA	Minutes of committee meeting	Preparation of the IGC; Discussion on the draft text of the constitutional treaty
<b>17.02.2005</b>	Meeting Constitutional Affairs committee	Minutes of committee meeting	Report on the constitutional law setting ratification conditions on Constitutional treaty
<b>02.03.2005</b>	96 <sup>th</sup> Plenary session	Minutes of plenary session	Discussion and vote on the constitutional law setting ratification conditions on Constitutional treaty
<b>28.04.2005</b>	Meeting Constitutional Affairs committee	Minutes of committee meeting	Discussion of the report on the ratification of the Constitutional treaty
<b>11.05.2005</b>	Plenary session	Minutes of plenary session	Ratification of the Constitutional treaty
<b>10.06.2005</b>	Meeting EU HA	Minutes of committee meeting	Preparation of the IGC; Discussion on the draft text of the constitutional treaty
<b>Ordinary session 2005-2006</b>			
<b>20.10.2005</b>	Meeting EU HA	Minutes of committee meeting	Preparation of European Council meeting, Discussion on the draft text of the constitutional treaty and Austria's EU Presidency
<b>07.06.2006</b>	Meeting Constitutional Affairs committee	Minutes of committee meeting	Examination of the petition for a referendum "Österreich bleib frei!"
<b>14.06.2006</b>	Meeting EU HA	Minutes of committee meeting	Discussion on the results of Austrian EU Presidency and future of Constitutional treaty
<b>21.06.2006</b>	Plenary session	Minutes of plenary session	Discussion on the report of the Constitutional Affairs committee on the referendum plan "Österreich bleib frei!"

Source: Own calculations, based on committee meetings and plenary session meetings retrieved from the parliament's website.

**TABLE K: Parliamentary instruments used by MPs to scrutinise the CT, National Council**

<b>Date</b>	<b>Type of parliamentary instrument</b>	<b>Initiator</b>	<b>Topic</b>	<b>Status</b>
<b>30.09.2003</b>	Opinion	EU HA	Information policy on IGC on Constitutional Treaty	Adopted
<b>29.01.2004</b>	Motion for a resolution	Environment committee	Request amendment of EURATOM treaty	Adopted
<b>29.01.2004</b>	Motion for a resolution	SPÖ (Sima), GRÜNE (Glawischnig)	Request amendment of EURATOM treaty	Rejected
<b>26.05.2004</b>	Motion for a resolution	SPÖ (Cap)	Anchorage of EU-wide referendum instrument in Constitutional Treaty and organisation of EU-wide referendum on	Rejected



			withdrawal from nuclear energy	
<b>27.05.2004</b>	Urgent question	FPÖ (Scheibner), ÖVP (Lopatka)	Austria's position on CSDP and Constitutional Treaty	Answered
<b>27.05.2004</b>	Motion for a resolution	FPÖ (Scheuch), ÖVP (Lopatka)	Anchorage of unanimity principle in Constitutional Treaty for measures on water resources and welfare services	Adopted
<b>04.06.2004</b>	Urgent written question	GRÜNE	Clarification on government's position on Constitutional Treaty	Answered (Federal Chancellor)
<b>04.06.2004, 64<sup>th</sup> plenary session</b>	Motion for a resolution	GRÜNE	Clarification on government's position on Constitutional Treaty and transparency of negotiations	Rejected
<b>04.06.2004, 64<sup>th</sup> plenary session</b>	Motion for a resolution	SPÖ	Clarification on government's position on Constitutional Treaty and EU referendum	Rejected
<b>04.06.2004, 64<sup>th</sup> plenary session</b>	Urgent question	GRÜNE (Van der Bellen)	Clarification on government's position on Constitutional Treaty and European Democracy	Answered (Federal Chancellor)
<b>22.12.2004, 92<sup>nd</sup> plenary session</b>	Motion for a resolution	GRÜNE (Van der Bellen)	EU-wide referendum on EU issues	Rejected
<b>22.12.2004, 92<sup>nd</sup> plenary session</b>	Motion for a resolution	ÖVP (Molterer), FPÖ (Scheibner)	Referendum on Turkey's accession to EU and possibility of EU-wide referenda	Adopted
<b>22.12.2004, 92<sup>nd</sup> plenary session</b>	Motion for a resolution	SPÖ (Cap)	Referendum on Turkey's accession to EU and possibility of EU-wide referenda	Rejected
<b>11.05.2005</b>	Motion for a resolution	ÖVP, BZÖ, FPÖ	Government should promote organisation of EU-wide referendum on Constitutional treaty	Adopted
<b>11.05.2005</b>	Motion for a resolution	GRÜNE	Government should promote organisation of EU-wide referendum on Constitutional treaty	Adopted
<b>11.05.2005</b>	Motion	Barbara Rosenkranz (FPÖ)	Organisation of referendum on Constitutional treaty	Rejected
<b>06.12.2005</b>	Written question	GRÜNE	Information from government on programme of Austria's EU Presidency	Answered, Foreign Affairs minister

Source: Own calculations, based on the parliament's online database.

**TABLE L: Parliamentary meetings on institutional reforms in the context of the CT, National Council**

Date	Type of parliamentary activity	Nature of document	Subject discussed
<b>25.11.2003</b>	Meeting EU HA	Minutes of committee meeting	Role of national parliaments in EU affairs

<b>09.12.2003</b>	Meeting EU HA	Minutes of committee meeting	Better information policy from the government's side
<b>15.06.2004</b>	Meeting EU HA	Minutes of committee meeting	Better information policy from the government's side
<b>18.10.2004</b>	Meeting EU HA	Minutes of committee meeting	Discussion on Constitutional Treaty and parliamentary procedures in EU affairs
<b>20.10.2005</b>	Meeting EU HA	Minutes of committee meeting	Better information policy from the government's side
<b>07.04.2005</b>	105 <sup>th</sup> plenary session	Minutes of plenary session	Discussion on four-party motion amending the RoP
<b>21.04.2005</b>	Committee on Rules of Procedure	Minutes of committee meeting	Report and vote on four-party motion amending the RoP
<b>11.05.2005</b>	109 <sup>th</sup> plenary session	Minutes of plenary session	Discussion on report on four-party motion amending the RoP
<b>26.11.2006</b>	4 <sup>th</sup> plenary session	Minutes of plenary session	Information policy between parliament and government

Source: Own calculations, based on committee meetings and plenary session meetings retrieved from the parliament's website.

**TABLE M: Parliamentary meetings on the LT, National Council**

<b>Date</b>	<b>Type of parliamentary activity</b>	<b>Nature of document</b>	<b>Subject discussed</b>
<b>19.06.2007</b>	Meeting EU HA	Minutes of committee meetings	Discussion of the IGC on the Lisbon Treaty
<b>06.07.2007</b>	30 <sup>th</sup> plenary session	Minutes of plenary sessions	EU topical debate on government declaration on EU affairs and new negotiation round on EU treaty
<b>17.10.2007</b>	Meeting EU HA	Minutes of committee meetings	Discussion of the IGC on the Lisbon Treaty
<b>08.11.2007</b>	38 <sup>th</sup> plenary session	Minutes of plenary sessions	Declaration of the Federal Chancellor of Treaty of Lisbon
<b>04-05.12.2007</b>	40 <sup>th</sup> Plenary session	Minutes of plenary sessions	Topical debate organized by FPÖ on "Damit Österreich souverän und neutral bleibt"
<b>06.12.2007</b>	42 <sup>nd</sup> plenary session	Minutes of plenary sessions	Question hour on new treaty
<b>12.12.2007</b>	Meeting EU HA	Minutes of committee meetings	Discussion of the IGC on the Lisbon Treaty
<b>25.01.2008</b>	Meeting EU HA	Minutes of committee meetings	Discussion of BZÖ motion on the organization of a national referendum on the Lisbon Treaty
<b>05-06.02.2008</b>	Constitutional Affairs Committee	Minutes of committee meetings	Examination of Lisbon Treaty
<b>22.02.2008</b>	Constitutional Affairs Committee	Minutes of committee meetings	Expert hearing on Lisbon Treaty
<b>27.02.2008</b>	Constitutional Affairs Committee	Minutes of committee meetings	Examination of Lisbon Treaty
<b>25.03.2008</b>	Meeting EU HA	Minutes of committee meetings	Discussion of BZÖ motion on the organization of a

			national referendum on the Lisbon Treaty
<b>25.03.2008</b>	Constitutional Affairs Committee	Minutes of committee meetings	Report approving ratification of the Lisbon Treaty
<b>02.04.2008</b>	Constitutional Affairs Committee	Minutes of committee meetings	Expert hearing on Lisbon Treaty
<b>09.04.2008</b>	55 <sup>th</sup> plenary session	Minutes of plenary sessions	Ratification Lisbon Treaty
<b>17.06.2008</b>	Meeting EU HA	Minutes of committee meetings	Preparation of the IGC and discussion on negative referendum results in Ireland
<b>10.07.2008</b>	68 <sup>th</sup> plenary session	Minutes of plenary sessions	Declaration of the Federal Chancellor on Austria's EU policy
<b>09.12.2008</b>	Meeting EU HA	Minutes of committee meetings	Discussion about future of Lisbon Treaty
<b>17.03.2009</b>	Meeting EU HA	Minutes of committee meetings	Discussion about future of Lisbon Treaty
<b>28.10.2009</b>	Meeting EU HA	Minutes of committee meetings	Discussion about Lisbon Treaty

Source: Own calculations, based on committee meetings and plenary session meetings retrieved from the parliament's website.

**TABLE N: Parliamentary instruments used by MPs to scrutinise the LT, National Council**

Date	Type of parliamentary instrument	Initiator	Topic	Status
<b>07.03.2007, 13<sup>th</sup> plenary session</b>	Motion for a resolution	FPÖ (Strache, Bösch, Rosenkranz)	Request the support of the government for a national referendum on the new EU treaty	Rejected
<b>06.06.2007, 25<sup>th</sup> plenary session</b>	Oral question	SPÖ (Einem)	Content of the Treaty of Lisbon	Answered (Federal Chancellor)
<b>06.06.2007, 25<sup>th</sup> plenary session</b>	Oral question	ÖVP (Karl)	Preservation of one EU commissioner per country	Answered (Federal Chancellor)
<b>06.06.2007, 25<sup>th</sup> plenary session</b>	Oral question	BZÖ (Scheibner)	Establishment of core Europe and referenda on EU treaty	Answered (Federal Chancellor)
<b>06.06.2007, 25<sup>th</sup> plenary session</b>	Oral question	FPÖ (Strache)	National referendum on the new EU treaty	Answered (Federal Chancellor)
<b>19.06.2007</b>	Motion for an opinion	GRÜNE (Lunacek, Van der Bellen)	Government should support incorporation of Charta on Fundamental rights in treaty	Rejected
<b>19.06.2007</b>	Motion for an opinion	FPÖ (Bösch, Strache, Fichtenbauer)	Government should encourage ratification of new treaty and organize national referendum	Rejected
<b>06.07.2007</b>	Motion for a resolution	FPÖ (Strache, Bösch, Rosenkranz)	Government requested to submit enabling act to National Council to organise national referendum on new treaty	Adopted
<b>27.09.2007</b>	Written question	FPÖ (Bösch)	Representation of Austrian position in	Answered (Minister for

			National Council on transit problem, water resources, etc	Foreign and European Affairs)
<b>27.09.2007</b>	Motion for a resolution	GRÜNE (Pilz, Lunacek)	Preservation of Austria's neutrality	Adopted
<b>17.10.2007</b>	Urgent motion	FPÖ (Strache)	Against ratification of Lisbon Treaty	N/A
<b>08.11.2007</b>	Motion	BZÖ (Westenthaler)	Organisation of national referendum on EU treaty	Rejected
<b>08.11.2007, 38<sup>th</sup> plenary session</b>	Motion for a resolution	SPÖ (Cap, Grossmann), ÖVP (Schüssel, Neugebauer)	Information of citizens on Treaty of Lisbon	Adopted
<b>08.11.2007, 38<sup>th</sup> plenary session</b>	Motion for a resolution	GRÜNE (Lunacek, Van der Bellen, Sburny)	Government should initiate EU-wide referendum on EU treaty	Rejected
<b>08.11.2007, 38<sup>th</sup> plenary session</b>	Motion for a resolution	FPÖ (Strache, Bösch, Rosenkranz)	Against ratification of Lisbon Treaty	Rejected
<b>05.12.2007, 41<sup>st</sup> plenary session</b>	Motion for a resolution	FPÖ (Aspöck, Strache)	Against ratification of Lisbon Treaty	Rejected
<b>06.12.2007, 42<sup>nd</sup> plenary session</b>	Oral question	ÖVP (Höfner)	Preservation of Austria's neutrality	Answered (Minister for Foreign and European Affairs)
<b>06.12.2007, 42<sup>nd</sup> plenary session</b>	Oral question	FPÖ (Strache)	Government position on national referendum on EU treaty	Answered (Minister for Foreign and European Affairs)
<b>12.12.2007</b>	Motion for committee assessment	GRÜNE (Lunacek, Van der Bellen, Glawischnig)	EU-wide referendum on Lisbon Treaty	Rejected
<b>12.12.2007</b>	Motion for an opinion	FPÖ (Bösch, Graf, Fichtenbauer)	Against ratification of Lisbon Treaty	Rejected
<b>12.12.2007</b>	Motion for an opinion	BZÖ (Scheibner)	Government should restart negotiations on new EU treaty	Rejected
<b>09.04.2008, 55<sup>th</sup> plenary session</b>	Motion	BZÖ (Westenthaler)	National referendum on Lisbon Treaty	Adopted
<b>09.04.2008, 55<sup>th</sup> plenary session</b>	Motion for a resolution	SPÖ (Cap), ÖVP (Schüssel), GRÜNE (Glawischnig-Piescek)	Government should inform citizens on new treaty, organise EU-wide referendum, etc	Adopted
<b>09.04.2008, 55<sup>th</sup> plenary session</b>	Motion for a resolution	BZÖ (Westenthaler, Darmann)	Government should submit to National Council a proposal to implement national referendum	Adopted
<b>17.06.2008</b>	Motion for committee assessment	GRÜNE (Lunacek, Glawischnig, Van der Bellen)	Measures against Euroscepticism, establishment „European Act of Democracy“	Rejected
<b>09.07.2008</b>	Motion for a resolution	FPÖ (Strache, Bösch)	Government should revoke ratification of EU treaty	Rejected
<b>10.07.2008, 68<sup>th</sup> plenary session</b>	Motion for a resolution	BZÖ (Westenthaler)	EU treaty reforms should be subjected to national referenda	Rejected
<b>10.07.2008, 68<sup>th</sup> plenary session</b>	Motion for a resolution	GRÜNE (Lunacek)	EU-wide referendum on EU treaty, inclusion of Charta on Fundamental rights, etc	Rejected

<b>09.12.2008</b>	Motion for an opinion	FPÖ (Strache, Bösch)	Government should revoke ratification of EU treaty	Rejected
<b>09.12.2008</b>	Motion for an opinion	BZÖ (Scheibner)	Renegotiation of EU treaty and national referendum on future treaty reforms	Rejected
<b>10.12.2008</b>	Motion for a resolution	FPÖ (Stadler)	Renegotiation of EU treaty and national referendum on future treaty reforms	Rejected
<b>17.03.2009</b>	Motion for an opinion	FPÖ (Hübner)	Renegotiation of EU treaty and national referendum on future treaty reforms	Rejected
<b>17.03.2009</b>	Motion for an opinion	FPÖ (Stadler)	Renegotiation of EU treaty and national referendum on future treaty reforms	Rejected
<b>28.10.2009</b>	Motion for an opinion	FPÖ (Strache)	National referendum on EU treaty	Rejected

Source: Own calculations, based on committee meetings and plenary session meetings retrieved from the parliament's website.

**TABLE O: Parliamentary meetings on institutional reforms in the context of the LT, National Council**

<b>Date</b>	<b>Type of parliamentary activity</b>	<b>Nature of document</b>	<b>Subject discussed</b>
<b>25.03.2008</b>	Meeting Constitutional Affairs Committee	Minutes of committee meeting	Constitutional amendments anchoring national referendum on future EU treaty reforms
<b>09.04.2008</b>	55 <sup>th</sup> plenary session	Minutes of plenary session	Constitutional amendments anchoring national referendum on future EU treaty reforms (Rejected)
<b>18.11.2009</b>	Meeting Committee on Rules of Procedure	Minutes of committee meeting	Examination RoP amendment
<b>10-11.12.2009</b>	49 <sup>th</sup> and 50 <sup>th</sup> plenary session	Minutes of plenary session	Examination RoP amendment
<b>29.01.2010</b>	53 <sup>rd</sup> plenary session	Minutes of plenary session	Adoption RoP amendment
<b>30.06.2010</b>	Meeting Constitutional Affairs Committee	Minutes of committee meeting	Examination "Lissabon Begleitnovelle"
<b>08.07.2010</b>	Plenary session	Minutes of plenary session	Adoption "Lissabon Begleitnovelle"
<b>06.10.2011</b>	Meeting Constitutional Affairs Committee	Minutes of committee meeting	Report on EU information law and RoP amendments
<b>20.10.2011</b>	124 <sup>th</sup> plenary session	Minutes of plenary session	Discussion on EU information law
<b>15.11.2011</b>	130 <sup>th</sup> plenary session	Minutes of plenary session	Adoption EU information law and RoP amendments

Source: Own calculations, based on committee meetings and plenary session meetings retrieved from the parliament's website.

**TABLE P: Parliamentary meetings on the ESM and TSCG, National Council**

<b>Date</b>	<b>Type of parliamentary activity</b>	<b>Nature of document</b>	<b>Subject discussed</b>
<b>16.12.2010</b>	Meeting EU HA	Minutes of committee meeting	Establishment of permanent stability

			mechanism in the Eurozone
<b>20.01.2011</b>	93 <sup>rd</sup> plenary session	Minutes of plenary session	Discussion on stability mechanism and national referendum
<b>23.03.2011</b>	Meeting EU HA	Minutes of committee meeting	Discussion on ESM before European Council meeting
<b>30.03.2011</b>	99 <sup>th</sup> plenary session	Minutes of committee meeting	Discussion on ESM
<b>22.06.2011</b>	Meeting EU HA	Minutes of committee meeting	Discussion on ESM and amendment of article 136 TFUE
<b>19.07.2011</b>	Meeting EU HA	Minutes of committee meeting	Discussion on ESM, financial stability of the Eurozone and help package for Greece
<b>13.09.2011</b>	Meeting Budget Committee	Minutes of committee meeting	Discussion on ESM and Greek debt crisis
<b>27.09.2011</b>	Plenary session	Minutes of plenary session	Debate on increase of Austrian financial participation in EFSF
<b>21.10.2011</b>	Meeting EU HA	Minutes of committee meeting	Discussion on EFSF
<b>22.11.2011</b>	Meeting EU HA	Minutes of committee meeting	Discussion on ESM and ratification rules in National Council
<b>07.12.2011</b>	Meeting EU HA	Minutes of committee meeting	Discussion on ESM, financial stability of the Eurozone
<b>27.01.2012</b>	Meeting EU HA	Minutes of committee meeting	Discussion on ESM and TSCG before European Council meeting
<b>28.02.2012</b>	Meeting EU HA	Minutes of committee meeting	Discussion on TSCG, financial stability of the Eurozone
<b>30.05.2012</b>	Meeting EU HA	Minutes of committee meeting	Discussion on ESM and TSCG
<b>14.06.2012</b>	Plenary session	Minutes of plenary session	Debate on ESM
<b>28.06.2012</b>	Meeting Constitutional Affairs Committee	Minutes of committee meeting	Hearing on ESM and TSCG
<b>02.07.2012</b>	Meeting Constitutional Affairs Committee	Minutes of committee meeting	Discussion on TSCG; Adoption reports on ESM, amendment Article 136 TFUE
<b>02.07.2012</b>	Meeting Budget Committee	Minutes of committee meeting	Discussion on ESM and TSCG
<b>04.07.2012</b>	Plenary session	Minutes of plenary session	Ratification ESM and TSCG
<b>17.10.2012</b>	Meeting EU HA	Minutes of committee meeting	Discussion on TSCG and establishment of EU Convention
<b>12.12.2012</b>	Meeting EU HA	Minutes of committee meeting	Discussion on TSCG

Source: Own calculations, based on committee meetings and plenary session meetings retrieved from the parliament's website.

**TABLE Q: Parliamentary instruments used by MPs to scrutinise the ESM and TSCG, National Council**

Date	Type of parliamentary instrument	Initiator	Topic	Status
05.05.2010	Motion	FPÖ (Strutz, Hübner)	National referendum on European financial package for Greece	Rejected
27.10.2010	Opinion	EU HA	Preservation of National Council's budgetary competences	Adopted
27.10.2010	Motion for an opinion	SPÖ (Muttonen), ÖVP (Stummvoll)	Preservation of National Council's budgetary competences	Adopted
27.10.2010	Motion for an opinion	BZÖ (Hagen)	Removal of voting rights for MS with regular deficits	Rejected
16.12.2010	Motion for an opinion	SPÖ (Krainer), ÖVP (Stummvoll)	Amendment Article 125 TFUE; establishment permanent stability mechanism	Adopted
16.12.2010	Motion for an opinion	FPÖ (Hübner, Gradauer)	Exclusion of MS with bad macroeconomic situation from Eurozone	Rejected
16.12.2010	Motion for committee opinion	BZÖ (Hagen)	Creation of "Euro-light" and "Euro core" zones, rejection of stability mechanism	Rejected
16.12.2010	Opinion	EU HA	Rejection amendment Article 125 TFUE	Adopted
23.03.2011	Opinion	EU HA	Chancellor should promote further amendments to Article 136 TFUE	Adopted
23.03.2011	Motion for an opinion	SPÖ (Cap), ÖVP (Neugebauer)	Chancellor should adopt amendments to Article 136 TFUE	Adopted
23.03.2011	Motion for an opinion	FPÖ (Strache)	Rejection ESM treaty; Exclusion of MS with bad macroeconomic situation from Eurozone	Rejected
23.03.2011	Motion for an opinion	GRÜNE (Van der Bellen, Glawischnig-Piesczek)	Chancellor should propose establishment of ESM within EU institutional system during European Council meeting and creation of a Convention	Rejected
30.03.2011, 99 <sup>th</sup> plenary session	Motion for a resolution	FPÖ (Strache)	Exclusion of MS with bad macroeconomic situation from Eurozone; national referendum on amendments Article 136 TFUE	Rejected
31.03.2011	Oral question	FPÖ (Podgorschek)	Referendum on Austria's participation in ESM	Answered (Federal Chancellor)



<b>31.03.2011</b>	Oral question	ÖVP (Tamandl)	Austria's participation in ESM	Answered (Federal Chancellor)
<b>31.03.2011</b>	Oral question	GRÜNE (Van der Bellen)	Simultaneous ratification of ESM treaty and amendment Article 136 TFUE	Answered (Federal Chancellor)
<b>17.05.2011, 105<sup>th</sup> plenary session</b>	Urgent question	FPÖ (Strache)	Information on ESM	Answered (Federal Chancellor)
<b>22.06.2011</b>	Motion for an opinion	FPÖ (Strache)	Rejection ESM treaty; national referenda on future EU treaty reforms	Rejected
<b>22.06.2011</b>	Motion for an opinion	GRÜNE (Van der Bellen, Kogler, Korun)	Chancellor should promote establishment of Eurobonds, tax on financial transactions, European Convention	Rejected
<b>22.06.2011</b>	Motion for an opinion	BZÖ (Bucher, Stadler)	Rejection ESM treaty; Creation of "Euro-light" and "Euro core" zones	Rejected
<b>19.07.2011</b>	Motion for an opinion	FPÖ (Hübner)	Rejection ESM treaty; national referenda on future EU treaty reforms	Rejected
<b>19.07.2011</b>	Motion for an opinion	GRÜNE (Glawischnig, Van der Bellen, Kogler)	Chancellor should promote establishment of Eurobonds, tax on financial transactions, European Convention	Rejected
<b>19.07.2011</b>	Motion for an opinion	BZÖ (Stadler, Spadiut)	Rejection ESM treaty; Creation of "Euro-light" and "Euro core" zones	Rejected
<b>21.09.2011</b>	Urgent question	FPÖ (Bucher, Stadler), BZÖ (Westenthaler)	Information on ESM and EFSF	Answered (Finance Minister)
<b>12.10.2011</b>	Motion for a resolution	BZÖ (Bucher, Stadler)	Government should organise national referenda for future EU treaty revisions	Rejected
<b>20.10.2011, 126<sup>th</sup> plenary session</b>	Motion for a resolution	FPÖ (Hübner)	Stop payment increase for EFSF; national referendum on future EU treaty revisions	Rejected
<b>21.10.2011</b>	Motion for an opinion	FPÖ (Hübner)	Rejection of and referendum on increase of Austria's participation in EFSF	Rejected
<b>21.10.2011</b>	Motion for an opinion	GRÜNE (Van der Bellen, Kogler, Brunner)	Chancellor should promote establishment of Eurobonds, tax on financial transactions, European Convention	Rejected
<b>21.10.2011</b>	Motion for an opinion	BZÖ (Bucher)	Rejection of any participation in rescue mechanisms and help packages	Rejected
<b>22.11.2011</b>	Motion for an opinion	BZÖ (Petzner)	Rejection ESM treaty	Rejected
<b>22.11.2011</b>	Motion for an opinion	GRÜNE (Van der Bellen, Kogler)	Chancellor should promote establishment of Eurobonds, tax on financial transactions, European Convention	Rejected

<b>07.12.2011</b>	Motion for an opinion	FPÖ (Hübner)	Rejection ESM treaty; referendum on future EU treaty revisions	Rejected
<b>07.12.2011</b>	Motion for an opinion	GRÜNE (Glawischnig-Piesczek, Kogler, Van der Bellen)	Chancellor should promote establishment of Eurobonds, tax on financial transactions, democratic European Economic Government	Rejected
<b>07.12.2011</b>	Motion for an opinion	BZÖ (Petzner)	Rejection of any participation in rescue mechanisms and help packages	Rejected
<b>07.12.2011</b>	Written question	FPÖ (Tadler)	Information on ESM treaty and referendum on its implementation	Answered (Finance Minister)
<b>27.01.2012</b>	Motion for an opinion	FPÖ (Hübner)	Rejection of any participation in rescue mechanisms and help packages	Rejected
<b>27.01.2012</b>	Motion for an opinion	FPÖ (Hübner)	Rejection ESM treaty and TSCG, referendum on future EU treaty revisions	Rejected
<b>27.01.2012</b>	Motion for an opinion	GRÜNE (Glawischnig, Kogler)	Rejection TSCG; Chancellor should promote establishment of Eurobonds, tax on financial transactions, democratic European Economic Government	Rejected
<b>27.01.2012</b>	Motion for an opinion	BZÖ (Petzner)	Rejection ESM treaty	Rejected
<b>28.02.2012</b>	Motion for an opinion	GRÜNE (Kogler, Van der Bellen)	Rejection TSCG; Chancellor should promote establishment of Eurobonds, tax on financial transactions, democratic European Economic Government	Rejected
<b>28.02.2012</b>	Motion for an opinion	BZÖ (Grosz)	Rejection of any participation in rescue mechanisms and help packages; creation “Euro core” zone	Rejected
<b>13.06.2012</b>	Urgent question	FPÖ (Strache)	Information on Euro crisis, ESM and TSCG	Answered (Finance Minister)
<b>25.06.2012</b>	Written question	FPÖ (Deimek)	Information on ESM	Answered (Finance Minister)
<b>06.07.2012</b>	Written question	FPÖ (Jury)	Accountability of ESM governors board towards National Council	Answered (Finance Minister)
<b>19.09.2012</b>	Motion for a resolution	FPÖ (Hübner, Strache)	Limitation of Austria’s contribution to the ESM	Rejected
<b>17.10.2012</b>	Motion for an opinion	FPÖ (Hübner)	Government should stop budgetary sovereignty transfer to EU level	Rejected
<b>17.10.2012</b>	Motion for an opinion	GRÜNE (Rossmann, Kogler)	Establishment of European Convention	Rejected
<b>17.10.2012</b>	Motion for an opinion	BZÖ (Huber)	Government should stop budgetary	Rejected

Source: Own calculations, based on committee meetings and plenary session meetings retrieved from the parliament's website.

**TABLE R: Parliamentary meetings on institutional reforms in the context of the ESM and TSCG, National Council**

Date	Type of parliamentary activity	Nature of document	Subject discussed
14.06.2012	161 <sup>st</sup> plenary session	Minutes of plenary session	RoP amendment in the framework of the ESM
02.07.2012	Meeting Constitutional Affairs committee	Minutes of committee meeting	Report on RoP and constitutional amendments in the framework of the ESM
04.07.2012	164 <sup>th</sup> plenary session	Minutes of plenary session	Adoption of report on constitutional amendments in the framework of the ESM
06.07.2012	167 <sup>th</sup> plenary session	Minutes of plenary session	Adoption of report on RoP amendments in the framework of the ESM

Source: Own calculations, based on committee meetings and plenary session meetings retrieved from the parliament's website.

## **FINLAND**

**TABLE S: Parliamentary meetings on the CT, Eduskunta**

Date	Type of parliamentary activity	Nature of document	Subject discussed
29.11.2005	Plenary session	Minutes of plenary session	Government report on the Constitutional Treaty of the European Union
01.12.2005	Constitutional Law committee	Agenda of committee meeting	Ibid
02.12.2005	GC*	Agenda of committee meeting	Ibid
07.12.2005	GC	Agenda of committee meeting	Ibid
09.12.2005	FA** committee	Agenda of committee meeting	Ibid
14.12.2005	Commerce committee	Agenda of committee meeting	Ibid
15.12.2005	Committee on Employment and Equal Opportunities	Agenda of committee meeting	Ibid
20.12.2005	Agriculture and Forestry + FA committee	Agenda of committee meeting	Ibid
07.02.2006	Environment + Commerce + Social and Health + Education and Culture + Administration + Finance committee	Agenda of committee meeting	Ibid
08.02.2006	Administration committee + GC	Agenda of committee meeting	Ibid
09.02.2006	Committee on Employment and Equal Opportunities + Committee on Transport and Communications	Agenda of committee meeting	Ibid
10.02.2006	Committee on Employment and Equal Opportunities +	Agenda of committee meeting	Ibid

	Environment + Education and Culture + Defense committee + Legal affairs committee + GC		
<b>14.02.2006</b>	Agriculture and Forestry + Finance committee	Agenda of committee meeting	Ibid
<b>15.02.2006</b>	GC + FA committee	Agenda of committee meeting	Ibid
<b>16.02.2006</b>	Committee on Employment and Equal Opportunities + Commerce + Social and Health + Defense committee + Committee on Transport and Communications + Administration committee	Agenda of committee meeting	Ibid
<b>17.02.2006</b>	Administration committee + FA committee	Agenda of committee meeting	Ibid
<b>21.02.2006</b>	Environment + Agriculture and Forestry + FA committee	Agenda of committee meeting	Ibid
<b>22.02.2006</b>	GC + FA committee	Agenda of committee meeting	Ibid
<b>23.02.2006</b>	Education and Culture + Administration committee + Constitutional Law + FA committee	Agenda of committee meeting	Ibid
<b>24.02.2006</b>	Committee on Employment and Equal Opportunities + Legal Affairs committee + Administration committee + Finance committee + GC + FA committee	Agenda of committee meeting	Ibid
<b>28.02.2006</b>	Social and Health + Committee on Transport and Communications + FA committee	Agenda of committee meeting	Ibid
<b>01.03.2006</b>	Environment + Defense committee + GC	Agenda of committee meeting	Ibid
<b>02.03.2006</b>	Education and Culture + Defense committee + Constitutional Law + FA committee	Agenda of committee meeting	Ibid
<b>03.03.2006</b>	Committee on Transport and Communications + Legal Affairs committee + Administration committee + FA committee	Agenda of committee meeting	Ibid
<b>08.03.2006</b>	GC + FA committee	Agenda of committee meeting	Ibid
<b>09.03.2006</b>	Education and Culture + Constitutional Law committee	Agenda of committee meeting	Ibid
<b>10.03.2006</b>	Constitutional Law + FA committee	Agenda of committee meeting	Ibid
<b>14.03.2006</b>	FA committee	Agenda of committee meeting	Ibid
<b>15.03.2006</b>	Environment + Commerce + Social and Health + GC + FA committee	Agenda of committee meeting	Ibid
<b>16.03.2006</b>	Committee on Employment and Equal Opportunities + Social and Health committee	Agenda of committee meeting	Ibid
<b>21.03.2006</b>	Commerce + Education and Culture + Legal Affairs + Constitutional Law + FA committee	Agenda of committee meeting	Ibid

<b>22.03.2006</b>	Agriculture and Forestry + Constitutional Law committee + GC	Agenda of committee meeting	Ibid
<b>23.03.2006</b>	Education and Culture + FA committee	Agenda of committee meeting	Ibid
<b>24.03.2006</b>	Committee on Employment and Equal Opportunities + Commerce + Constitutional Law committee	Agenda of committee meeting	Ibid
<b>28.03.2006</b>	Agriculture and Forestry committee	Agenda of committee meeting	Ibid
<b>29.03.2006</b>	Agriculture and Forestry + FA committee	Agenda of committee meeting	Ibid
<b>30.03.2006</b>	Committee on Employment and Equal Opportunities + Commerce + FA committee	Agenda of committee meeting	Ibid
<b>31.03.2006</b>	Committee on Employment and Equal Opportunities + Commerce + Legal Affairs + FA committee	Agenda of committee meeting	Ibid
<b>04.04.2006</b>	Education and Culture committee	Agenda of committee meeting	Ibid
<b>05.04.2006</b>	GC + FA committee	Agenda of committee meeting	Ibid
<b>07.04.2006</b>	GC + FA committee	Agenda of committee meeting	Ibid
<b>18.04.2006</b>	FA committee	Agenda of committee meeting	Ibid
<b>19.04.2006</b>	FA committee	Agenda of committee meeting	Ibid
<b>20.04.2006</b>	FA committee	Agenda of committee meeting	Ibid
<b>21.04.2006</b>	FA committee	Agenda of committee meeting	Ibid
<b>27.04.2006</b>	FA committee	Agenda of committee meeting	Ibid
<b>28.04.2006</b>	FA committee	Agenda of committee meeting	Ibid
<b>10.05.2006</b>	Plenary session	Minutes of plenary session	Ibid
<b>12.05.2006</b>	Plenary session	Minutes of plenary session	Vote on Government report on the Constitutional Treaty of the European Union
<b>07.06.2006</b>	Plenary session	Minutes of plenary session	Government proposal to Parliament on the adoption of the Treaty establishing a Constitution for Europe and the act on the transposition of its legislative provisions
<b>08.06.2006</b>	Plenary session	Minutes of plenary session	Ibid
<b>12.06.2006</b>	Agriculture and Forestry committee	Agenda of committee meeting	Ibid
<b>13.06.2006</b>	Environment + Employment and Equal opportunities + Social affairs and Health + Education and Culture + Defense + Legal Affairs + Administration + Finance + Constitutional Law committee	Agenda of committee meeting	Ibid
<b>14.06.2006</b>	GC + FA committee	Agenda of committee meeting	Ibid
<b>05.09.2006</b>	Education and Culture committee	Agenda of committee meeting	Ibid

<b>06.09.2006</b>	Committee for the Future + Committee on transport and communications	Agenda of committee meeting	Ibid
<b>07.09.2006</b>	Employment and Equal opportunities committee	Agenda of committee meeting	Ibid
<b>12.09.2006</b>	Environment + Education and Culture + Agriculture and Forestry committee	Agenda of committee meeting	Ibid
<b>13.09.2006</b>	Constitutional Law committee + GC	Agenda of committee meeting	Ibid
<b>14.09.2006</b>	Social affairs and Health committee	Agenda of committee meeting	Ibid
<b>15.09.2006</b>	Environment + Committee on transport and communications + Administration + Finance + Constitutional Law committee	Agenda of committee meeting	Ibid
<b>19.09.2006</b>	Employment and Equal opportunities + Education and Culture + Defense + Agriculture and Forestry committee + Administration committee	Agenda of committee meeting	Ibid
<b>21.09.2006</b>	Employment and Equal opportunities committee	Agenda of committee meeting	Ibid
<b>22.09.2006</b>	Environment + Agriculture and Forestry committee + Legal Affairs + Constitutional Law committee	Agenda of committee meeting	Ibid
<b>26.09.2006</b>	Social affairs and Health committee	Agenda of committee meeting	Ibid
<b>27.09.2006</b>	GC	Agenda of committee meeting	Ibid
<b>28.09.2006</b>	Constitutional Law committee	Agenda of committee meeting	Ibid
<b>29.09.2006</b>	Committee for the Future + Defense + GC	Agenda of committee meeting	Ibid
<b>03.10.2006</b>	Finance committee	Agenda of committee meeting	Ibid
<b>06.10.2006</b>	GC	Agenda of committee meeting	Ibid
<b>11.10.2006</b>	Education and Culture committee	Agenda of committee meeting	Ibid
<b>12.10.2006</b>	Constitutional Law committee	Agenda of committee meeting	Ibid
<b>13.10.2006</b>	Committee for the Future + Administration + Constitutional Law committee + FA committee	Agenda of committee meeting	Ibid
<b>18.10.2006</b>	Committee for the Future + Legal Affairs committee	Agenda of committee meeting	Ibid
<b>19.10.2006</b>	FA committee	Agenda of committee meeting	Ibid
<b>25.10.2006</b>	Committee for the Future + Constitutional Law committee	Agenda of committee meeting	Ibid
<b>26.10.2006</b>	Constitutional Law committee	Agenda of committee meeting	Ibid
<b>27.10.2006</b>	Constitutional Law committee	Agenda of committee meeting	Ibid
<b>07.11.2006</b>	FA committee	Agenda of committee meeting	Ibid
<b>08.11.2006</b>	FA committee	Agenda of committee meeting	Ibid
<b>09.11.2006</b>	FA committee	Agenda of committee meeting	Ibid
<b>14.11.2006</b>	FA committee	Agenda of committee meeting	Ibid

<b>15.11.2006</b>	FA committee	Agenda of committee meeting	Ibid
<b>16.11.2006</b>	FA committee	Agenda of committee meeting	Ibid
<b>21.11.2006</b>	FA committee	Agenda of committee meeting	Ibid
<b>22.11.2006</b>	FA committee	Agenda of committee meeting	Ibid
<b>23.11.2006</b>	FA committee	Agenda of committee meeting	Ibid
<b>28.11.2006</b>	FA committee	Agenda of committee meeting	Ibid
<b>29.11.2006</b>	FA committee	Agenda of committee meeting	Ibid
<b>30.11.2006</b>	Plenary session	Minutes of plenary session	Ibid
<b>04.12.2006</b>	Plenary session	Minutes of plenary session	Ibid
<b>05.12.2006</b>	Plenary session	Minutes of plenary session	Vote on Government proposal to Parliament on the adoption of the Treaty establishing a Constitution for Europe and the act on the transposition of its legislative provisions

\*FA = Foreign Affairs

\*\*GC = Grand Committee

Source: Own calculations, based on committee meetings and plenary session meetings retrieved from the parliament's website.

**TABLE T: Parliamentary instruments used by MPs to scrutinise the CT, Eduskunta**

<b>Date</b>	<b>Parliamentary instruments</b>	<b>Initiator</b>	<b>Topic</b>	<b>Status</b>
<b>09.06.2003</b>	Written question, KK 92/2003vp	Meriläinen, Rosa (VIHR)	Safeguard clauses for public services in the new EU Constitutional Treaty	Answered (FA minister)
<b>12.01.2005</b>	Written question	Kimmo Kiljunen (SDP)	Establishment of an EU task force to the civilian crisis management	Answered (Minister of Interior)
<b>18.02.2005</b>	Law proposal, LA 11/2005 vp	Arja Alho, (SDP) (main initiator) VIHR, KESK, KOK, PS, KD	Consultative referendum on the Treaty establishing a Constitution for Europe	Abandoned 13.10.2006
<b>26.05.2005</b>	Oral question, SKT 76/2005vp	Heidi Hautala, (VIHR)	Effect of French and Dutch referendums on the ratification of the EU Constitutional Treaty	Answered (PM and FA Minister)
<b>02.06.2005</b>	Oral question SKT 80/2005 vp	Soini Timo (PS)	Consideration of the EU Constitutional Treaty	Answered Foreign Affairs Minister Erkki Tuomioja
<b>02.06.2005</b>	Oral question	Tarja Cronberg (VIHR)	Impact on security policy of CT rejection by French citizens	Answered Foreign Affairs Minister Erkki Tuomioja
<b>02.06.2005</b>	Oral question	Ben Zyskowitz (KOK)	Plan B after the negative referenda in France and NL	Answered Foreign Affairs Minister Erkki Tuomioja



<b>02.06.2005</b>	Oral question	Astrid Thors (SFP)	Government action to make CT understandable to citizens	Answered Foreign Affairs Minister Erkki Tuomioja
<b>02.06.2005</b>	Oral question	Outi Ojala (VAS)	Plans Finnish EU Presidency for Future of CT	Answered Foreign Affairs Minister Erkki Tuomioja
<b>02.06.2005</b>	Oral question	Markku Rossi (KESK)	New governmental information policy	Answered Foreign Affairs Minister Erkki Tuomioja
<b>02.06.2005</b>	Oral question	Arja Alho (SDP)	Government position on national referendum	Answered Foreign Affairs Minister Erkki Tuomioja
<b>02.06.2005</b>	Oral question	Anne Huotari (VAS)	Place of social rights in future treaty negotiations	Answered Foreign Affairs Minister Erkki Tuomioja
<b>08.09.2005</b>	Oral question, SKT 97/2005 vp	Soini Timo (PS)	Ratification of the EU Constitutional Treaty	Answered PM
<b>02.03.2006</b>	Opinion PuVL 2/2006 vp – VNS 6/2005vp	Defense committee	Government report on the Treaty establishing a Constitution for Europe	Submitted
<b>03.03.2006</b>	Opinion HaVL 7/2006vp – VNS 6/2005vp	Administration Committee	Idem	Submitted
<b>09.03.2006</b>	Opinion SiVL 7/2006vp – VNS 6/2005vp	Education committee	Idem	Submitted
<b>15.03.2006</b>	Opinion YmVL 7/2006 vp – VNS 6/2005 vp	Environment committee	Idem	Submitted
<b>16.03.2006</b>	Opinion StVL 5/2006vp – VNS 6/2005vp	Committee on Social Affairs and Health	Idem	Submitted
<b>24.03.2006</b>	Opinion PeVL 9/2006 vp – VNS 6/2005vp	Constitutional Law Committee	Idem	Submitted
<b>24.03.2006</b>	Dissenting opinion	Ibid : Annika Lapintie (VAS), Arja Alho (SDP), Irina Krohn (VIHR), Outi Ojala (VAS), Veijo Puhjo (VAS)	Referendum on CT necessary	Submitted
<b>29.03.2006</b>	Opinion MmVL 1/2006vp – VNS 6/2005vp	Committee on Agriculture	Idem	Submitted
<b>30.03.2006</b>	Oral question, SKT 41/2006 vp	Kekkonen Antero (SDP)	Consideration of the EU Constitutional Treaty	Answered PM
<b>31.03.2006</b>	Opinion TaVL 11/2006vp – VNS 6/2005vp	Committee on Economic affairs	Government report on the Treaty establishing a Constitution for Europe	Submitted
<b>31.03.2006</b>	Dissenting opinion	Ibid: Sari Essayah (KD)	Preservation of the Finnish welfare system and rejection of CT	Submitted
<b>31.03.2006</b>	Opinion TyVL 5/2006vp – VNS 6/2005vp	Committee on Employment and Equal opportunities	Idem	Submitted
<b>31.03.2006</b>	Dissenting opinion	Ibid.: Sari Essayah (KD), Leena Rauhala (KD), Tero Rönni (SD), Esa Lahtela (SD), Jukka Roos	No clarification between social rights and economic rights	Submitted

		(SD), Markus Mustajärvi (VAS)		
<b>31.03.2006</b>	Opinion LaVV 5/2006vp – VNS 6/2005 vp	Committee on Legal Affairs	Idem	Submitted
<b>31.03.2006</b>	Dissenting opinion 1	Ibid : Timo Soini (PS), Tero Rönni (SD)	Rejection CT because restrains MS sovereignty	Submitted
<b>31.03.2006</b>	Dissenting opinion 2	Ibid: Petri Neittaanmäki (KESK)	Rejection CT	Submitted
<b>07.04.2006</b>	Opinion SuVL 2/2006 vp – VNS 6/2005 vp	Grand Committee	Idem	Submitted
<b>07.04.2006</b>	Dissenting opinion 1	Ibid: Arja Alho (SDP), Heidi Hautala (VIHR), Outi Ojala (VAS), Pentti Tiusanen (VAS)	National referendum on CT	Submitted
<b>07.04.2006</b>	Dissenting opinion 2	Ibid: Toimi Kankaanniemi (KD)	National referendum on CT and rejection of CT	Submitted
<b>15.09.2006</b>	Opinion LiVL 16/2006 vp - HE 67/2006 vp	Committee on Transport	Government proposal for the adoption of a Treaty establishing a Constitution for Europe and a law on the transposition of its legislative provisions	Submitted
<b>21.09.2006</b>	Opinion TyVL 14/2006 vp - HE 67/2006 vp	Committee on Employment and Equal Opportunities	Ibid.	Submitted
<b>21.09.2006</b>	Dissenting opinion	Ibid: Sari Essayah / kd Matti Kauppila / Vas Esa Lahtela / sd Markus Mustajärvi / vas Leena Rauhala / kd Jukka Roos / sd Tero Rönni / sd	Reject Constitutional Treaty	Submitted
<b>22.09.2006</b>	Opinion MmVL 12/2006 vp	Committee on Agriculture	Government proposal for the adoption of a Treaty establishing a Constitution for Europe	Submitted
<b>26.09.2006</b>	Opinion StV 16/2006 vp - HE 67/2006 vp	Committee on Social Affairs and Health		Submitted
<b>29.09.2006</b>	Opinion PuVL 7/2006vp – HE67/2006 vp	Defense committee	Government proposal for the adoption of a Treaty establishing a Constitution for Europe	Submitted
<b>29.09.2006</b>	Dissenting opinion	Ibid: Jaakko Laakso (VAS)	Rejection of CT and CFSP	Submitted
<b>03.10.2006</b>	Opinion VaVL 24/2006 vp - HE 67/2006 vp	Finance Committee	Government proposal for the adoption of a Treaty establishing a Constitution for Europe	Submitted
	Dissenting opinion	Ibid: Iivo Polvi /vas Kari Uotila /vas	Reject Constitutional Treaty	Submitted

<b>06.10.2006</b>	Opinion SuVL 8/2006vp – HE 67/2006vp	GC	Government proposal for the adoption of a Treaty establishing a Constitution for Europe	Submitted
<b>06.10.2006</b>	Dissenting opinion 1	Ibid: Toimi Kankaanniemi (KD)	Rejection CT	Submitted
<b>06.10.2006</b>	Dissenting opinion 2	Ibid : Kari Uotila, Pentti Tiusanen (VAS)	Renegotiation CT and organization national referendum	Submitted
<b>06.10.2006</b>	Dissenting opinion 3	Ibid : Heidi Hautala et al. (VIHR)	Organization national referendum on CT	Submitted
<b>10.10.2006</b>	Opinion	Committee on Economic Affairs	Government proposal for the adoption of a Treaty establishing a Constitution for Europe	
<b>11.10.2006</b>	Opinion SiVL 14/2006 vp-HE 67/2006 vp	Education Committee	Government proposal for the adoption of a Treaty establishing a Constitution for Europe	Submitted
<b>13.10.2006</b>	Opinion HaVL 42/2006vp – HE67/2006vp	Administration committee	Government proposal for the adoption of a Treaty establishing a Constitution for Europe	Submitted
<b>18.10.2006</b>	Opinion LaVM 16/2006vp – HE 67/2006vp	Committee on Legal affairs	Idem	Submitted
<b>18.10.2006</b>	Dissenting opinion 1	Ibid: Minna Sirnö (VAS)	Rejection CT, organization of national referendum	Submitted
<b>18.10.2006</b>	Dissenting opinion 2	Ibid: Petri Neittaanmäki (KESK), Timo Soini (PS)	Rejection CT	Submitted
<b>25.10.2006</b>	Opinion TuVL 4/2006 vp - HE 67/2006 vp	Committee for the Future	Government proposal for the adoption of a Treaty establishing a Constitution for Europe	Submitted
<b>27.10.2006</b>	Opinion PeVL 36/2006vp – HE67/2006vp	Constitutional Law committee	Government proposal for the adoption of a Treaty establishing a Constitution for Europe	Submitted
<b>29.11.2006</b>	Opinion UaVM 13/2006vp – HE 67/2006 vp	Foreign Affairs Committee	Idem	Submitted
<b>29.11.2006</b>	Dissenting opinion 1	Ibid: Petri Neittaanmäki (KESK)	Rejection CT	Submitted
<b>29.11.2006</b>	Dissenting opinion 2	Ibid: Ulla Anttila (VIHR), Suvi-Anne Siimes (VAS)	Organization national referendum on CT	Submitted

Source: Own calculations, based on the parliament's online database.

**TABLE U: Parliamentary meetings on institutional reforms in the context of the CT, Eduskunta**

Date	Type of parliamentary activity	Nature of document	Subject discussed
04.12.2003	GC	Minutes of committee meeting	Establishment of an EU-review committee, Discussion on improvement of scrutiny procedure in EU affairs
09.12.2003	EU-review committee	Minutes of committee meeting	Discussion on improvement of scrutiny procedure in EU affairs
16.12.2003	EU-review committee	Minutes of committee meeting	Ibid.
10.02.2004	EU-review committee	Minutes of committee meeting	Ibid.
24.03.2004	EU-review committee	Minutes of committee meeting	Ibid.
14.04.2004	EU-review committee	Minutes of committee meeting	Ibid.
04.05.2004	EU-review committee	Minutes of committee meeting	Ibid.
25.05.2004	EU-review committee	Minutes of committee meeting	Ibid.
09.06.2004	EU-review committee	Minutes of committee meeting	Ibid.
15.06.2004	EU-review committee	Minutes of committee meeting	Ibid.
22.06.2004	EU-review committee	Minutes of committee meeting	Ibid.
24.08.2004	EU-review committee	Minutes of committee meeting	Ibid.
07.09.2004	EU-review committee	Minutes of committee meeting	Ibid.
23.09.2004	EU-review committee	Minutes of committee meeting	Discussion on improvement of scrutiny procedure in EU affairs; Consultation of Aland Parliament
12.10.2004	EU-review committee	Minutes of committee meeting	Discussion on improvement of scrutiny procedure in EU affairs
26.10.2004	EU-review committee	Minutes of committee meeting	Ibid.
17.11.2004	EU-review committee	Minutes of committee meeting	Ibid.
07.12.2004	EU-review committee	Minutes of committee meeting	Ibid.
14.12.2004	EU-review committee	Minutes of committee meeting	Ibid.
20.12.2004	EU-review committee	Minutes of committee meeting	Ibid.
08.02.2005	EU-review committee	Minutes of committee meeting	Ibid.

Source: Minutes of the EU-review committee received by Peter Saramo, Head of the GC Secretariat.

**TABLE V: Parliamentary meetings on the LT, Eduskunta**

Date	Type of parliamentary activity	Nature of document	Subject discussed
08.04.2008	Education and Culture committee	Minutes of committee meetings	Government proposal to parliament on the adoption of the Treaty of Lisbon

<b>09.04.2008</b>	FA* committee	Minutes of committee meetings	Ibid
<b>10.04.2008</b>	Plenary session + Employment and Equal opportunities + Committee on Social affairs and Health	Minutes of plenary session, Minutes of committee meetings	Ibid
<b>15.04.2008</b>	Environment + Education and Culture committee + FA committee	Minutes of committee meetings	Ibid
<b>16.04.2008</b>	Plenary session + GC** + Constitutional Law committee + Employment and Equal opportunities + Education and Culture committee + Commerce committee	Minutes of plenary session, Minutes of committee meetings	Ibid
<b>17.04.2008</b>	Employment and Equal opportunities + Agriculture and Forestry + FA committee	Minutes of committee meetings	Ibid
<b>18.04.2008</b>	Environment + Agriculture and Forestry + Legal Affairs + GC + FA committee + Constitutional Law committee	Minutes of committee meetings	Ibid
<b>22.04.2008</b>	Defense + FA committee + Constitutional Law committee + Education and Culture committee + Committee on Social affairs and Health	Minutes of committee meetings	Ibid
<b>23.04.2008</b>	Employment and Equal opportunities + Defense + Legal Affairs + Administration + FA committee + Constitutional Law committee	Minutes of committee meetings	Ibid
<b>24.04.2008</b>	Transport and Communications + Administration + FA committee + Commerce committee	Minutes of committee meetings	Ibid
<b>25.04.2008</b>	Environment + Administration + GC + FA committee	Minutes of committee meetings	Ibid
<b>29.04.2008</b>	Education and Culture committee + Agriculture and Forestry + Legal Affairs + Administration + FA committee + Constitutional Law committee + Committee on Social affairs and Health	Minutes of committee meetings	Ibid
<b>06.05.2008</b>	Environment + Defense + Agriculture and Forestry + Transport and Communications + Administration + Finance + FA committee + Constitutional Law committee	Minutes of committee meetings	Ibid
<b>07.05.2008</b>	FA committee + Education and Culture committee	Minutes of committee meetings	Ibid
<b>08.05.2008</b>	Defense + Agriculture and Forestry + Transport and Communications + Legal Affairs + FA committee	Minutes of committee meetings	Ibid
<b>09.05.2008</b>	Administration + GC + FA committee + Constitutional Law committee + Commerce committee	Minutes of committee meetings	Ibid
<b>13.05.2008</b>	Defense + FA committee	Minutes of committee meetings	Ibid

<b>14.05.2008</b>	GC + FA committee	Minutes of committee meetings	Ibid
<b>15.05.2008</b>	Defense + FA committee	Minutes of committee meetings	Ibid
<b>16.05.2008</b>	GC + Constitutional Law committee	Minutes of committee meetings	Ibid
<b>20.05.2008</b>	Constitutional Law committee	Minutes of committee meetings	Ibid
<b>21.05.2008</b>	FA committee + Constitutional Law committee	Minutes of committee meetings	Ibid
<b>23.05.2008</b>	FA committee + Constitutional Law committee	Minutes of committee meetings	Ibid
<b>27.05.2008</b>	FA committee	Minutes of committee meetings	Ibid
<b>28.05.2008</b>	FA committee	Minutes of committee meetings	Ibid
<b>29.05.2008</b>	FA committee	Minutes of committee meetings	Ibid
<b>30.05.2008</b>	FA committee	Minutes of committee meetings	Ibid
<b>04.06.2008</b>	Plenary session	Minutes of plenary session	Ibid
<b>10.06.2008</b>	Plenary session	Minutes of plenary session	Ibid.
<b>11.06.2008</b>	Plenary session	Minutes of plenary session	Vote on Government proposal to parliament on the adoption of the Treaty of Lisbon

\*FA = Foreign Affairs

\*\*GC = Grand Committee

Source: Own calculations, based on committee meetings and plenary session meetings retrieved from the parliament's website.

**TABLE W: Parliamentary instruments used by MPs to scrutinise the LT, Eduskunta**

<b>Date</b>	<b>Parliamentary instruments</b>	<b>Initiator</b>	<b>Topic</b>	<b>Status</b>
<b>25.05.2007</b>	Written question, KK 120/2007vp	Markus Mustajärvi (VAS)	Government's answers to Chancellor Merkel's questions	Answered (PM)
<b>31.05.2007</b>	SKT 25/2007vp, oral question	Arhinmäki, Paavo (VAS)	Adoption of a new EU Constitutional Treaty	Answered (PM)
<b>31.05.2007</b>	Oral question	Eero Heinäluoma (SDP)	Preservation of social rights in future treaty	Answered (PM)
<b>31.05.2007</b>	Oral question	Heidi Hautala (VIHR)	Content of the new treaty compared to the CT	Answered (PM)
<b>31.05.2007</b>	Oral question	Liisa Jaakonsaari (SDP)	Place of charter of fundamental rights in new treaty	Answered (PM)
<b>31.05.2007</b>	Oral question	Antti Kaikkonen (KESK)	Finland position about the place of sparsely populated regions, small MS, security issues in new treaty?	Answered (PM)
<b>20.06.2007</b>	Opinion SuVL 1/2007vp – E 149/2006vp	GC	Government report on Finland's positions on the EU Constitutional Treaty debates under the German Presidency	Submitted

<b>20.06.2007</b>	Dissenting opinion 1	Ibid: Matti Kauppila, Esko-Juhani Tennilä, (VAS)	against EU Presidency of European Council	Submitted
<b>20.06.2007</b>	Dissenting opinion 2	Ibid: Timo Soini (PS)	against new EU treaty limiting sovereignty, referendum on any new EU treaty	Submitted
<b>23.04.2008</b>	Opinion TyVL 9/2008 vp - HE 23/2008 vp	Committee on Employment and Equal Opportunities	Government proposal to parliament on the adoption of the Treaty of Lisbon	Submitted
	Dissenting opinion	Markus Mustajärvi, Pentti Tiisanen, Jyrki Yrttiaho (VAS)	Reject ratification bill	Submitted
<b>29.04.2008</b>	Opinion StVL 6/2008 vp - HE 23/2008 vp	Committee on Social Affairs and Health	Government proposal to parliament on the adoption of the Treaty of Lisbon	Submitted
<b>06.05.2008</b>	Opinion YmVL 10/2008 vp - HE 23/2008 vp	Environment Committee	Ibid.	Submitted
<b>07.05.2008</b>	Opinion SiVL 6/2008 vp - HE 23/2008 vp	Education Committee	Ibid.	Submitted
<b>08.05.2008</b>	Opinion LaVL 8/2008vp – HE 23/2008vp	Committee on Legal Affairs	Government proposal to parliament on the adoption of the Treaty of Lisbon	Submitted
<b>08.05.2008</b>	Dissenting opinion	Ibid: Paavo Arhinmäki (VAS), Tero Rönni (SDP), Pirkko Ruohonen-Lerner (PS)	Rejection of Lisbon Treaty	Submitted
<b>08.05.2008</b>	Opinion LiVL 11/2008 vp - HE 23/2008 vp	Committee on Transport and Communications	Government proposal to parliament on the adoption of the Treaty of Lisbon	Submitted
<b>09.05.2008</b>	Opinion TaVL 15/2008 vp - HE 23/2008 vp	Commerce Committee	Government proposal to parliament on the adoption of the Treaty of Lisbon	Submitted
<b>09.05.2008</b>	Dissenting opinion	Ibid: Toimi Kankaanniemi (KD), Matti Kangas (VAS)	Renegotiation of treaty with emphasis on state cooperation instead of supranationalism	Submitted
<b>09.05.2008</b>	Opinion HaVL 11/2008 vp - HE 23/2008 vp	Administration Committee	Government proposal to parliament on the adoption of the Treaty of Lisbon	Submitted
<b>09.05.2008</b>	Dissenting opinion	Ibid: Unto Valpas (VAS), Pirkko Ruohonen-Lerner (PS)	Reject Lisbon Treaty	Submitted
<b>15.05.2008</b>	Opinion PuVL 4/2008vp – HE 23/2008vp	Defense committee	Government proposal to parliament on the adoption of the Treaty of Lisbon	Submitted

15.05.2008	Dissenting opinion	Ibid: Jaakko Laakso (VAS)	Rejects military union and security guarantees	Submitted
16.05.2008	Opinion SuVL 1/2008vp – HE 23/2008 vp	GC	Government proposal to parliament on the adoption of the Treaty of Lisbon	Submitted
16.05.2008	Dissenting opinion 1	Ibid: Timo Soini (PS)	Rejects Lisbon Treaty	Submitted
16.05.2008	Dissenting opinion 2	Ibid: Esko-Juhani Tennilä, Matti Kauppila (VAS)	National referendum on Lisbon Treaty	Submitted
23.05.2008	Opinion PeVL 13/2008vp – HE 23/2008vp	Constitutional Law Committee	Government proposal to parliament on the adoption of the Treaty of Lisbon	Submitted
23.05.2008	Dissenting opinion 1	Ibid: Jacob Söderman, Antti Vuolanne, Tuula Peltonen (SDP), Veijo Puhjo (VAS)	Strengthen role of parliament in EU affairs	Submitted
23.05.2008	Dissenting opinion 2	Ibid: Veijo Puhjo (VAS)	Consultative referendum on Lisbon Treaty	Submitted
30.05.2008	Opinion UaVM 6/2008vp – HE 23/2008vp	Foreign Affairs committee	Government proposal to parliament on the adoption of the Treaty of Lisbon	Submitted
30.05.2008	Dissenting opinion	Ibid: Annika Lapintie (VAS)	Consultative referendum on Lisbon Treaty	Submitted
26.11.2009	Oral question, 113 <sup>th</sup> plenary session	Pertti Salolainen (KOK)	Mutual assistance rule in CFSP	Answered by Minister of Defense and PM
26.11.2009	Oral question, 113 <sup>th</sup> plenary session	Jaakko Laakso (VAS)	Mutual assistance rule in CFSP	Answered by Minister of Foreign Affairs
26.11.2009	Oral question, 113 <sup>th</sup> plenary session	Juha Korkeaoja (KESK)	Structured cooperation	Answered by Minister of Defense
26.11.2009	Oral question, 113 <sup>th</sup> plenary session	Kimmo Kiljunen (SDP)	Assessment of military capacities at EU level	Answered by Minister of Foreign Affairs
26.11.2009	Oral question, 113 <sup>th</sup> plenary session	Kimmo Sasi (KOK)	Mutual assistance rule in CFSP	Answered by Minister of Foreign Affairs and Minister of Defense
26.11.2009	Oral question, 113 <sup>th</sup> plenary session	Eero Heinäluoma (SDP)	Reduction of President's powers in CFSP	Answered by PM

Source: Own calculation, based on the parliament's database<sup>587</sup>.

**TABLE X: Parliamentary meetings on institutional reforms in the context of the LT, Eduskunta**

Date	Type of parliamentary activity	Nature of document	Subject discussed
07.03.2008	GC	Minutes of committee meetings	Guidelines for the preparation and implementation of EU agreements

<sup>587</sup> The number of submitted instruments might not be exhaustive due to difficult access to the data.



<b>03.06.2008</b>	GC	Minutes of committee meetings	Guidelines for the preparation and implementation of EU agreements
<b>18.06.2008</b>	GC	Minutes of committee meetings	Guidelines for the preparation and implementation of EU agreements
<b>16.06.2009</b>	EU-review committee	Minutes of committee meetings	Discussion on amendments to EU procedures
<b>08.09.2009</b>	EU-review committee	Minutes of committee meetings	Discussion on amendments to EU procedures
<b>08.10.2009</b>	EU-review committee	Minutes of committee meetings	Discussion on amendments to EU procedures
<b>22.10.2009</b>	EU-review committee	Minutes of committee meetings	Discussion on amendments to EU procedures
<b>04.11.2009</b>	EU-review committee	Minutes of committee meetings	Discussion on amendments to EU procedures
<b>18.11.2009</b>	Plenary session	Minutes of plenary session	Proposal by the Speaker's Council on Parliament's decision to amend Parliament's Rules of Procedure
<b>24.11.2009</b>	Constitutional Law committee	Minutes of committee meetings	Proposal by the Speaker's Council on Parliament's decision to amend Parliament's Rules of Procedure
<b>24.11.2009</b>	EU-review committee	Minutes of committee meetings	Discussion on amendments to EU procedures
<b>25.11.2009</b>	Constitutional Law committee	Minutes of committee meetings	Proposal by the Speaker's Council on Parliament's decision to amend Parliament's Rules of Procedure
<b>26.11.2009</b>	Constitutional Law committee	Minutes of committee meetings	Proposal by the Speaker's Council on Parliament's decision to amend Parliament's Rules of Procedure
<b>30.11.2009</b>	Plenary session	Minutes of plenary session	Proposal by the Speaker's Council on Parliament's decision to amend Parliament's Rules of Procedure
<b>03.12.2009</b>	Plenary session	Minutes of plenary session	Proposal by the Speaker's Council on Parliament's decision to amend Parliament's Rules of Procedure
<b>04.12.2009</b>	GC	Minutes of committee meetings	Government report to the Parliament on the Council of State's amendments to the European Council on the Lisbon Treaty
<b>08.12.2009</b>	Constitutional Law committee	Minutes of committee meetings	Government report to the Parliament on the Council of State's amendments to the European Council on the Lisbon Treaty
<b>09.12.2009</b>	FA committee	Minutes of committee meetings	Government report to the Parliament on the Council of State's amendments to the European Council on the Lisbon Treaty

<b>10.12.2009</b>	FA committee	Minutes of committee meetings	Government report to the Parliament on the Council of State's amendments to the European Council on the Lisbon Treaty
<b>11.12.2009</b>	FA committee	Minutes of committee meetings	Government report to the Parliament on the Council of State's amendments to the European Council on the Lisbon Treaty
<b>14.12.2009</b>	EU-review committee	Minutes of committee meetings	Discussion on amendments to EU procedures
<b>15.12.2009</b>	Constitutional Law committee	Minutes of committee meetings	Government report to the Parliament on the Council of State's amendments to the European Council on the Lisbon Treaty
<b>16.12.2009</b>	GC + FA committee	Minutes of committee meetings	Government report on EU impact assessment; Government report to the Parliament on the Council of State's amendments to the European Council on the Lisbon Treaty
<b>17.12.2009</b>	FA committee	Minutes of committee meetings	Government report to the Parliament on the Council of State's amendments to the European Council on the Lisbon Treaty
<b>15.01.2010</b>	EU-review committee	Minutes of committee meetings	Discussion on amendments to EU procedures; adoption of final report
<b>03.02.2010</b>	Constitutional Law committee	Minutes of committee meetings	Government report to the Parliament on the Council of State's amendments to the European Council on the Lisbon Treaty
<b>04.02.2010</b>	FA committee	Minutes of committee meetings	Government report on EU impact assessment
<b>05.02.2010</b>	GC + Constitutional Law committee	Minutes of committee meetings	Government report on EU impact assessment; Government report to the Parliament on the Council of State's amendments to the European Council on the Lisbon Treaty
<b>10.02.2010</b>	GC + Constitutional Law Committee	Minutes of committee meetings	Government report on EU impact assessment
<b>11.02.2010</b>	FA committee	Minutes of committee meetings	Government report on EU impact assessment
<b>12.02.2010</b>	GC + Constitutional Law committee	Minutes of committee meetings	Government report on EU impact assessment; Government report to the Parliament on the Council of State's amendments to the European Council on the Lisbon Treaty

Source: Own calculations based on the parliament's database and committee minutes provided by the Head of the GC Secretariat.

**TABLE Y: Parliamentary meetings on the ESM and TSCG, Eduskunta**

<b>Date</b>	<b>Type of parliamentary activity</b>	<b>Nature of document</b>	<b>Subject discussed</b>
<b>27.10.2010</b>	107th plenary session	Minutes of plenary session	Coordination of economic policies in the EU

<b>13.05.2011</b>	GC*	Minutes of committee meeting	Preparation of Council meeting, Management of the European Economic crisis
<b>14.09.2011</b>	33 <sup>rd</sup> plenary session	Minutes of plenary session	Discussion on amending article 136 TFUE
<b>27.09.2011</b>	COMFI**	Minutes of committee meeting	Discussion on amending article 136 TFUE
<b>04.10.2011</b>	Constitutional Law committee	Minutes of committee meeting	Discussion on amending article 136 TFUE
<b>12.10.2011</b>	Constitutional Law committee	Minutes of committee meeting	Discussion on amending article 136 TFUE
<b>06.03.2012</b>	COMFI meeting	Minutes of committee meeting	Discussion on amending article 136 TFUE
<b>20.03.2012</b>	FA*** committee	Minutes of committee meeting	Discussion on amending article 136 TFUE
<b>26.04.2012</b>	FA committee	Minutes of committee meeting	Discussion on amending article 136 TFUE
<b>03.05.2012</b>	46 <sup>th</sup> Plenary session	Minutes of plenary session	Discussion on ESM treaty
<b>04.05.2012</b>	47 <sup>th</sup> Plenary session	Minutes of plenary session	Discussion on amending article 136 TFUE
<b>08.05.2012</b>	COMFI meeting + Plenary session	Minutes of committee meeting + Minutes of plenary session	Discussion on ESM treaty + Discussion on amending article 136 TFUE
<b>09.05.2012</b>	49 <sup>th</sup> Plenary session	Minutes of plenary session	Vote on amendment article 136 TFUE
<b>15.05.2012</b>	Commerce committee	Minutes of committee meeting	Discussion on ESM treaty
<b>16.05.2012</b>	Audit committee		Discussion on ESM treaty
<b>22.05.2012</b>	COMFI	Minutes of committee meeting	Discussion on ESM treaty
<b>24.05.2012</b>	Commerce committee + Audit committee	Minutes of committee meeting	Discussion on ESM treaty
<b>29.05.2012</b>	COMFI + Constitutional Law + Audit committee	Minutes of committee meeting	Discussion on ESM treaty
<b>01.06.2012</b>	COMFI	Minutes of committee meeting	Discussion on ESM treaty
<b>06.06.2012</b>	Constitutional Law committee	Minutes of committee meeting	Discussion on ESM treaty
<b>07.06.2012</b>	Constitutional Law committee	Minutes of committee meeting	Discussion on ESM treaty
<b>12.06.2012</b>	COMFI	Minutes of committee meeting	Discussion on ESM treaty
<b>13.06.2012</b>	COMFI + 66 <sup>th</sup> Plenary session	Minutes of committee meeting + Minutes of plenary session	Discussion on ESM treaty
<b>19.06.2012</b>	69 <sup>th</sup> Plenary session	Minutes of plenary session	Discussion on ESM treaty
<b>21.06.2012</b>	71 <sup>st</sup> Plenary session	Minutes of plenary session	Vote on ESM treaty
<b>09.11.2012</b>	Plenary session	Minutes of plenary session	Discussion on TSCG
<b>13.11.2012</b>	109 <sup>th</sup> Plenary session	Minutes of plenary session	Discussion on TSCG
<b>16.11.2012</b>	Constitutional Law committee	Minutes of committee meeting	Discussion on TSCG
<b>20.11.2012</b>	COMFI	Minutes of committee meeting	Discussion on TSCG
<b>21.11.2012</b>	Audit committee	Minutes of committee meeting	Discussion on TSCG
<b>22.11.2012</b>	Constitutional Law committee	Minutes of committee meeting	Discussion on TSCG
<b>27.11.2012</b>	COMFI	Minutes of committee meeting	Discussion on TSCG
<b>29.11.2012</b>	Meeting Audit committee	Minutes of committee meeting	Discussion on TSCG
<b>30.11.2012</b>	COMFI	Minutes of committee meeting	Discussion on TSCG

<b>04.12.2012</b>	COMFI + Constitutional Law committee	Minutes of committee meeting	Discussion on TSCG
<b>12.12.2012</b>	COMFI	Minutes of committee meeting	Discussion on TSCG
<b>13.12.2012</b>	128 <sup>th</sup> Plenary session	Minutes of plenary session	Discussion on TSCG
<b>14.12.2012</b>	130 <sup>th</sup> Plenary session	Minutes of plenary session	Discussion on TSCG
<b>17.12.2012</b>	131 <sup>st</sup> Plenary session	Minutes of plenary session	Vote on TSCG

\*GC: Grand Committee

\*\*COMFI: Finance Committee

\*\*\*FA: Foreign Affairs

Source: Own calculations, based on committee meetings and plenary session meetings retrieved from the parliament's website.

**TABLE Z: Parliamentary instruments used by MPs to scrutinise the ESM and the TSCG, Eduskunta**

Date	Parliamentary instruments	Initiator	Topic	Status
<b>ESM</b>				
<b>14.06.2011</b>	Opinion PeVL 1/2011vp – U6/2011vp	Constitutional Law Committee	Government Statement on a draft amendment to the European Stability Mechanism (ESM)	Submitted
<b>14.06.2011</b>	Dissenting opinion 1	Constitutional Law Committee: Vesa-Matti Saarakkala, Tom Packalen, Kimmo Kivelä (PS)	Mismatch between ESM and Finnish Constitution requires constitutional amendments	Submitted
<b>14.06.2011</b>	Opinion VaVL 1/2011vp – U 5/2011vp U 6/2011vp E 13/2011vp	COMFI	Government Statement on a draft amendment to the European Stability Mechanism (ESM)	Submitted
<b>14.06.2011</b>	Dissenting opinion 1	COMFI: Mikko Savola, Juha Sipilä, Kimmo Tiilikainen, Ari Torniainen (KESK)	Against solidarity principle through ESM	Submitted
<b>14.06.2011</b>	Dissenting opinion 2	COMFI: Pentti Kettunen, Ville Vähämäki, Kauko Tupainen (PS)	Reject ESM because accelerates federalisation of EU	Submitted
<b>17.06.2011</b>	Opinion SuVL 2/2011vp – U 5/2011 vp, U 6/2011 vp, E 13/2011vp	GC	Financial crisis management and crisis management tools EFSF and ESM	Submitted
<b>17.06.2011</b>	Dissenting opinion 1	GC: Antti Kaikkonen, Esko Kiviranta, Jari Leppä, Tuomo Puumala, Inkeri Kerola (KESK)	Against doubling Finnish guarantee liabilities in EFSF	Submitted
<b>17.06.2011</b>	Dissenting opinion 2	GC: Juho Eerola, Peter Jääskeläinen, Anne Louhelainen, Vesa-Matti Saarakkala (PS)	Against solidarity mechanism	Submitted
<b>02.09.2011</b>	Opinion 3/2011vp	GC	Government statement on the draft amendment to the European Stability Mechanism (ESM)	Submitted

<b>02.09.2011</b>	Dissenting opinion 1	GC: Antti Kaikkonen, Tuomo Puumala, Timo Kalli, Jari Leppä (KESK)	Reject ESM; MS should bear own responsibility for their national economic situation	Submitted
<b>02.09.2011</b>	Dissenting opinion 2	GC: Juho Eerola, Peter Jääskeläinen, Anne Louhelainen, Vesa-Matti Saarakkala (PS)	Reject ESM; preservation of national financial and economic sovereignty	Submitted
<b>29.09.2011</b>	Written question KK 77/2011vp	Saarakkala, Vesa-Matti (PS)	Draft agreement on the European Stability Mechanism	Answered (Finance Minister)
<b>12.10.2011</b>	Opinion PeVL 6/2011vp – HE 12/2011vp	Constitutional Law committee	Government proposal to parliament to approve the amendment to Article 136 of the Treaty on the Functioning of the European Union	Submitted
<b>12.10.2011</b>	Dissenting opinion	Constitutional Law committee: Vesa-Matti Saarakkala, Tom Packalen, Pirkko Ruohonen-Lerner (PS)	Parliament's approval needed to amend Article 136 TFUE	Submitted
<b>08.12.2011</b>	Opinion PeVL 22/2011vp – U 27/2011vp	Constitutional Law committee	Government Statement on a draft amendment to the European Stability Mechanism (ESM)	Submitted
<b>08.12.2011</b>	Dissenting opinion 1	Vesa-Matti Saarakkala, Tom Packalen, Kimmo Kivelä (PS)	Reject ESM because transfer of power to IO	Submitted
<b>08.12.2011</b>	Dissenting opinion 2	Kimmo Sasi (KOK)	Parliament's consent needed for any decisions in the ESM board of governors	Submitted
<b>08.12.2011</b>	Opinion , SuVL 7/2011vp – U 27/2011vp, E 71/2011vp	GC	Stabilization of the Monetary Union; modification of the treaties and ESM	Submitted
<b>08.12.2011</b>	Dissenting opinion 1	GC: Antti Kaikkonen, Mauri Pekkarinen, Sirkka-Liisa Anttila, Kimmo Tiilikainen, Tuomo Puumala (KESK)	Against solidarity clause in ESM	Submitted
<b>08.12.2011</b>	Dissenting opinion 2	GC: Juho Eerola, Peter Jääskeläinen, Anne Louhelainen, Vesa-Matti Saarakkala (PS)	Against transfer of budgetary competences to EU level	Submitted
<b>06.03.2012</b>	Opinion VaVL 3/2012vp – HE 12/2011vp	COMFI	Government proposal to parliament to approve the amendment to Article 136 of the Treaty on the Functioning of the European Union	Submitted

<b>26.04.2012</b>	Opinion UaVM 5/2012vp – HE 12/2011vp	FA Committee	Ibid	Submitted
<b>26.04.2012</b>	Dissenting opinion	FA Committee: Maria Lohela, Tom Packalen (PS)	Reject ESM	Submitted
<b>11.05.2012</b>	Written question KK 309/2012 vp	Saarakkala, Vesa- Matti (PS)	Purpose of the Government as regards the increase in the combined capacity of the ESFS and EVM	Answered (Finance Minister)
<b>29.05.2012</b>	Opinion TaVL 24/2012vp – HE 34/2012vp	Commerce Committee	Government proposal to parliament to approve the agreement establishing the European Stability Mechanism (EVM) and to transpose its legislative provisions	Submitted
<b>29.05.2012</b>	Dissenting opinion 1	Commerce Committee: Kaj Turunen, Teuvo Hakkarainen, James Hirvisaari (PS)	Reject ESM	Submitted
<b>29.05.2012</b>	Dissenting opinion 2	Commerce Committee: Mauri Pekkarinen, Arto Pirttilahti, Juha Sipilä (KESK)	Reject ESM; against solidarity in crisis management	Submitted
<b>30.05.2012</b>	Opinion TrVL 5/2012 vp – HE 34/2012vp	Audit Committee	Government proposal to parliament to approve the agreement establishing the European Stability Mechanism (EVM) and to transpose its legislative provisions	Submitted
<b>07.06.2012</b>	Opinion PeVL 13/2012vp – HE 34/2012vp	Constitutional Law committee	Ibid	Submitted
<b>07.06.2012</b>	Dissenting opinion	Vesa-Matti Saarakkala, Kimmo Kivelä, Tom Packalen (PS)	ESM threatens Finland's sovereignty	Submitted
<b>13.06.2012</b>	Dissenting opinion 1	COMFI: Timo Kalli, Eero Reijonen, Markku Rossi, Esko Kiviranta (KESK)	Reject ESM and request referendum if financial measures increase federalization trends	Submitted
<b>13.06.2012</b>	Dissenting opinion 2	COMFI: Pentti Kettunen, Ville Vähämäki, Tuppain Kauko (PS)	Against federalization of EU through fiscal union	Submitted
<b>TSCG</b>				
<b>29.11.2012</b>	Opinion TrVL 8/2012vp – HE 155/2012vp	Audit Committee	Proposal by the government to parliament on the approval of the	Submitted

			treaty on stability, coordination and governance in the economic and monetary union and on the law enforcing its legislative provisions	
<b>04.12.2012</b>	Opinion PeVL 37/2012vp – HE 155/2012vp	Constitutional Law committee	Ibid.	Submitted
<b>04.12.2012</b>	Dissenting opinion	Constitutional Law committee: Vesa-Matti Saarakkala, Kimmo Kivelä, Tom Packalen (PS)	TSCG requires two-thirds majority	Submitted
<b>12.12.2012</b>	Dissenting opinion 1	COMFI: Timo Kalli, Eero Reijonen, Esko Kiviranta, Tapani Tölli (KESK)	Preservation of parliament's budgetary competences	Submitted
<b>12.12.2012</b>	Dissenting opinion 2	COMFI: Pentti Kettunen, Ville Vähämäki, Tuppain Kauko (PS)	Reject TSCG; favour consultative referendum on integration in Euro area	Submitted

Source: Own calculation, based on the parliament's database<sup>588</sup>.

<sup>588</sup> The number of submitted instruments might not be exhaustive due to difficult access to the data.

## APPENDIX 2: List of interviewees

### Luxembourg

1. Official, « Cellule Européenne », International Relations Service, Chamber of Deputies, 26.01.2017 : Interviewee 1
2. Official, « Cellule Européenne », International Relations Service, Chamber of Deputies, 26.01.2017 : Interviewee 2
3. MP, Demokratesch Partei parliamentary group, Chamber of Deputies, 01.02.2017 : Interviewee 3
4. Former MP, LSAP parliamentary group, Chamber of Deputies, 13.02.2017: Interviewee 4
5. MP, LSAP parliamentary group, Chair of Committee for Foreign and European Affairs, Cooperation, Migration, Chamber of Deputies, 14.02.2017 : Interviewee 5
6. Official, « Cellule Européenne », International Relations Service, Chamber of Deputies, 15.02.2017 : Interviewee 6
7. MP, CSV parliamentary group, Chamber of Deputies, 17.02.2017 : Interviewee 7
8. Former MP, Déi Gréng parliamentary group, Chamber of Deputies, 20.02.2017 : Interviewee 8
9. MP, ADR parliamentary group, Chamber of Deputies, 06.03.2017 : Interviewee 9
10. Vice Secretary General, International Relations Service, Chamber of Deputies, 06.03.2017 : Interviewee 10
11. Former MP, DP parliamentary group, Chamber of Deputies, 07.03.2017 : Interviewee 11
12. MP, Déi Gréng parliamentary group, Chamber of Deputies, 07.03.2017 : Interviewee 12
13. Secretary General, Council of State, 08.03.2017 : Interviewee 13
14. Parliamentary collaborator, LSAP parliamentary group, Chamber of Deputies, 10.03.2017 : Interviewee 14
15. Former MPs, Déi Lénk parliamentary group, Chamber of Deputies, 13.03.2017 : Interviewee 15 et 16
16. MP, CSV parliamentary group, Chamber of Deputies, 15.03.2017 : Interviewee 17
17. Parliamentary collaborator, CSV parliamentary group, Chamber of Deputies 17.03.2017 : Interviewee 18
18. MP, CSV parliamentary group, Chamber of Deputies, 21.03.2017 : Interviewee 19
19. Director of Economic Affairs Department, Business Chamber, 10.04.2017 : Interviewee 20
20. MEP and former MP of the Chamber of Deputies, DP, 24.04.2017: Interviewee 21
21. MP, CSV parliamentary group, Chamber of Deputies, 14.06.2017: Interviewee 22
22. EU affairs collaborator, Business Chamber, email interview, 25.04.2018: Interviewee 23
23. Official, Secretariat of the Finance Committee, 19.01.2018: Interviewee 24

### Austria

24. Former MP, GRÜNE parliamentary group, National Council, 17.03.2017: Interviewee 1a
25. Former MP, ÖVP parliamentary group, National Council, 23.03.2017 : Interviewee 2a
26. Adviser, SPÖ parliamentary group, European Affairs, National Council, 27.03.2017 : Interviewee 3a
27. Former MP, ÖVP, National Council, 28.03.2017 : Interviewee 4a
28. Adviser, GRÜNE parliamentary group, European Affairs Coordinator, National Council, 28.03.2017 : Interviewee 5a
29. Director and two officials of the Department « EU-Mitwirkung und Europäische Beziehungen », Parliamentary administration, National Council, 28.03.2017 : Interviewee 6a, 7a, 8a
30. Director of the department « EU-Informations- und –Datenbankmanagement » and Director of the department « Parlamentswissenschaftliche Grundsatzarbeit », Parliamentary administration, National Council, 28.03.2017 : Interviewee 9a et 10a



31. MP, FPÖ parliamentary group, National Council, 29.03.2017 : Interviewee 11a
32. MP and Chair of the ÖVP parliamentary group, National Council, 29.03.2017 : Interviewee 12a
33. MP, SPÖ parliamentary group, National Council, 29.03.2017 : Interviewee 13a
34. MP, FPÖ parliamentary group, National Council, 29.03.2017 : Interviewee 14a
35. MP, GRÜNE parliamentary group, National Council, 30.03.2017 : Interviewee 15a
36. MP, SPÖ parliamentary group, National Council, 30.03.2017 : Interviewee 16a
37. Former MP, SPÖ parliamentary group, National Council, 10.04.2017 : Interviewee 17a
38. MP, ÖVP parliamentary group, National Council, 10.04.2017 : Interviewee 18a
39. Former MP, FPÖ parliamentary group, National Council, 20.10.2017: Interviewee 19a
40. Parliamentary representative, EU Office Brussels, National Council, 19.01.2018: Interviewee 20a
41. MP, ÖVP parliamentary group, National Council, email interview, 05.04.2017 : Interviewee 21a
42. MP, ÖVP parliamentary group, National Council, email interview, 20.05.2017 : Interviewee 22a

## **Finland, Eduskunta**

43. Parliamentary representative, EU Office Eduskunta, Brussels, 26.01.2018: Interviewee 1b
44. Director of the EU secretariat, Eduskunta, 26.03.2018: Interviewee 2b
45. Former MP, Centre Party parliamentary group, Eduskunta, 27.03.2018: Interviewee 3b
46. MP, SDP parliamentary group, Eduskunta, 27.03.2018: Interviewee 4b
47. Former MP, SDP parliamentary group, Eduskunta, 28.03.2018: Interviewee 5b
48. Parliamentary advisor, Left Alliance Group, Eduskunta, 28.03.2018: Interviewee 6b
49. Former MP, National Coalition Party, Eduskunta, 25.04.2018: Interviewee 7b
50. EU specialist, SDP parliamentary group, Eduskunta, 24.05.2018: Interviewee 8b
51. MP and Vice-Chair of the Grand Committee, SDP parliamentary group, Eduskunta, 24.05.2018: Interviewee 9b
52. Former MP, National Coalition Party, Eduskunta, 25.05.2018 : Interviewee 10b
53. EU advisor, Centre Party parliamentary group, Eduskunta, 28.05.2018: Interviewee 11b
54. EU advisor, KD parliamentary group, Eduskunta, email interview, 21.03.2018: Interviewee 12b

## APPENDIX 3: Interview grid (French), Chamber of Deputies

### **Profil:**

- Parcours professionnel/carrière, expériences ?
- Avez-vous une expérience professionnelle antérieure liée aux questions européennes ?
- Fonctions actuelles au sein de la ChD ?
- Faites-vous partie d'associations, de groupes ou d'organisations européennes ou s'intéressant à des thèmes européens (think tanks, associations parlementaires, associations internationales, etc) ?

### **Motivations :**

- Combien de temps et d'effort personnel consacrez-vous aux sujets européens dans le cadre de votre travail parlementaire ?
- Parmi les quatre traités européens (les citer), lesquels avez-vous suivi dans le cadre de votre travail à la ChD ?
- (Suivant réponse 3) Qu'est-ce qui vous a motivé à vous investir dans les négociations sur le Traité constitutionnel/Traité de Lisbonne/MES/TSCG ?
- (Uniquement rapporteurs) Comment êtes-vous devenu rapporteur sur le traité constitutionnel/traité de Lisbonne/MES/TSCG? Quels thèmes vous tenaient particulièrement à cœur (à vous et à votre commission parlementaire) ?

### **Travail parlementaire:**

- Lisez-vous le bulletin de Bruxelles envoyé par le représentant de la Chambre ?
- Selon vous, quels ont été les moments clés pour la ChD pendant les négociations sur le Traité constitutionnel, le Traité de Lisbonne et pendant la crise économique et financière ? Quels ont été les principaux défis à relever, pour vous et pour la ChD de manière générale ?
- Comment avez-vous participé aux processus de négociation sur le Traité constitutionnel/Traité de Lisbonne/MES/TSCG ? Quel rôle avez-vous joué ?
- Avec qui avez-vous coopéré pendant les négociations (gouvernement, chambres professionnelles, autres partis politiques, députés européens, représentation permanente, etc) ? Comment vous êtes-vous coordonné avec ces acteurs ?
- Comment avez-vous travaillé avec vos collègues de votre parlement ? Comment avez-vous travaillé avec vos collègues d'autres parlements nationaux ?
- Avez-vous participé à des programmes d'échanges ?
- Comment travaillez-vous avec vos collègues députés européens ? Comment avez-vous travaillé avec eux dans le cadre des traités européens ? Vous rendez-vous à Bruxelles ? Si oui, pourquoi et à quelle fréquence ?

### **Evolutions potentielles du travail parlementaire :**

- Dans le cadre des négociations sur les traités européens (nommer les traités), quel a été l'effet déclencheur du changement dans vos méthodes de travail? Comment vos méthodes /habitudes de travail ont-elles changées ?
- Quelles réformes la ChD a-t-elle effectuée dans le cadre de ces traités ? Quels ont été les changements les plus importants ? Avez-vous participé à/initié l'une d'entre elles ?
- Selon vous, les nouveaux instruments créés à la suite des traités européens ont-ils fait la différence dans la manière dont la ChD participe en matière européenne ? Si oui, laquelle ? Ont-ils eu un impact sur votre travail parlementaire ?
- Vos habitudes de travail ont-elles changé pendant et après les négociations sur les traités européens ? Si oui, comment ?
- Êtes-vous satisfait des informations que vous avez personnellement reçues pendant les négociations sur les traités européens (de la part de la ChD, du ministère des affaires européennes, de la représentation permanente, etc) ?
- La relation entre la ChD et le gouvernement/ministères luxembourgeois a-t-elle changé avant/après les traités (notamment en termes de flux d'information) ? Comment ?
- Suivant réponses aux questions 16 et 17 :

- Pourquoi avoir opté pour un changement de dénomination de la CAUE ? Quels changements par rapport à l'ancienne dénomination (en termes de compétences et autres) ?
- En quoi consistait la Stratégie Européenne de la ChD ? Quels changements a-t-elle entraîné ? Quels bénéfices en avez-vous tiré ?
- Dans quel contexte la représentation permanente de la ChD a-t-elle été établie ? Quelle différence cela a-t-il fait pour votre travail parlementaire ? Quels aspects ont changé pour vous ?
- L'aide-mémoire sur la coopération entre le gouvernement et le parlement a-t-il changé la manière de travailler de la ChD ? Quelles différences observez-vous dans votre travail parlementaire par rapport à avant ?
- Pourquoi avoir modifié le RI de la ChD en 2010 ? Les révisions du règlement intérieur concernant les affaires européennes (2010) ont-elles eu un impact sur votre travail parlementaire ? Qu'est-ce qui a changé par rapport aux règles et pratiques en vigueur avant les révisions ?
- Que pensez-vous de la délégation auprès de la Conférence interparlementaire sur la stabilité, la coordination économique et la gouvernance ? Qu'est-ce que ce nouveau format de coopération apporte à votre parlement ?

#### **Perceptions:**

- Personnellement, quelle importance accordez-vous à l'intégration européenne ?
- De manière générale, êtes-vous satisfait du rôle que joue la ChD dans le processus décisionnel national et des mécanismes de coopération avec le gouvernement et les autres acteurs institutionnels ?
- Êtes-vous satisfait du rôle qu'a joué la ChD dans les négociations sur le Traité constitutionnel, le Traité de Lisbonne et dans la gestion de la crise économique ?
- Concernant la participation parlementaire aux affaires européennes, quels aspects devraient être potentiellement améliorés selon vous ?
- Êtes-vous satisfait du soutien que vous avez reçu de l'administration parlementaire pendant les négociations sur les traités européens ?
- Avez-vous remarqué un changement d'attitude de la part de vos collègues députés vis-à-vis des affaires européennes à la suite de la ratification des traités ?

## APPENDIX 4: Relevant quotations from interviews

### Luxembourg

Interviewee 4 : [...] Et malgré cet aide-mémoire, moi je pense que le gouvernement, je ne sais pas ce qu'il en est dans les autres pays, mais au Luxembourg je sais que le gouvernement... ce n'est peut-être pas entièrement de mauvaise foi, mais c'est quand même lent cette information, ce flux d'information entre le gouvernement et le parlement. Ce qui explique qu'évidemment, souvent les positions d'un parlement sont des positions qu'il reprend de la part de son gouvernement.

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E: Justement dans ce cadre-là, est-ce que vous avez remarqué qu'il y a eu une évolution dans l'attitude des parlementaires, même dans d'autres parlements nationaux. Quand vous avez coopéré avec eux notamment sur certains points?

Interviewee 4: Oui, oui, absolument. Moi je pense... Vous savez, c'est aussi une question de génération des parlements. Beaucoup dépend comme toujours des hommes et des femmes qui s'impliquent dans ces questions. Ce n'est pas purement une question institutionnelle, c'est aussi une question d'attitude personnelle. Et selon que vous avez dans un parlement des gens qui se sont intéressés depuis un certain temps ou qui reprennent un héritage, cela fonctionne et cela continue de faire des vagues. Et si tout à coup cet influx se casse et qu'il n'y a... alors des choses se perdent assez facilement.

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Interviewee 4 : Mais au Luxembourg, c'est effectivement... j'ai trouvé ça très difficile dans le travail quotidien de la Chambre, d'avoir tellement de membres d'exécutifs communaux, qui ont aussi leurs obligations au niveau communal, et ce temps qu'ils mettent pour cela manque pour le travail, par exemple pour le travail européen, international, à la chambre des députés.

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E: D'accord, du coup en lien avec les affaires européennes, est-ce que ça a été un sujet que vous avez traité dès le départ ou...?

Interviewee 7: Oui parce que j'ai été dès le départ presque... dès le début j'ai été toujours membre de la Commission des Affaires Etrangères et Européennes et j'ai été également pendant dix ans chef de délégation de la COSAC, que vous connaissez. Forcément, ça m'a toujours intéressé, les affaires européennes, et comme surtout pendant cette période où j'ai été chef de délégation de la COSAC, j'étais très proche de toutes les discussions et ensuite quand j'ai été président de la Chambre des Députés, je présidais de par ma fonction également un certain nombre de groupes. J'ai en fait toujours suivi de très près tout ce qui concerne les affaires européennes.

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Interviewee 7 : Ce qui n'est pas forcément un désavantage, mais je dirais dans une Europe qui devient de plus en plus compliquée, on a intérêt quand même à organiser toutes les forces vives d'un parlement dans une commission et qu'il y ait vraiment quelques spécialistes qui se consacrent exclusivement à ces dossiers. Mais bon, c'est très difficile de convaincre ses collègues, parce que les affaires européennes, c'est pas très sexy. En plus, ça ne rapporte pas de voix, donc la plupart de mes collègues, et je ne les critique pas pour ça, préfèrent se consacrer plutôt à leurs sujets nationaux ou locaux, qui sont plus intéressants d'un point de vue électoral, que les affaires européennes.

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Interviewee 9 : Je suis membre de la Commission des Affaires Etrangères, ce qui me permet d'être informé dans la mesure où le parlement est informé. Sa commission n'exerce pratiquement aucune influence, ou très peu, très peu, pas aucune. Mais très peu d'influence en tant que commission sur le cours de la politique étrangère. C'est surtout, comme toujours en politique, le poids des uns et des autres, la présence dans les médias, les prévisions ou craintes que les uns et les autres peuvent avoir en vue des prochaines élections qui déterminent le jeu politique.

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Interviewee 9: Les parlements essaient dans une certaine mesure d'avoir plus d'influence, mais cela n'est que, en anglais je dirais "windows dressing". Donc en fait on fait de l'agitation, on met cela dans les vitrines, les fenêtres pour donner l'impression d'une participation parlementaire qui en réalité n'est pas inexistante, mais extrêmement faible. Et il n'y a pas de volonté politique pour changer cela, parce que l'élite dont je vous avais parlé tout à l'heure, ceux qui forment la volonté européenne encore actuellement n'ont pas intérêt à faire participer les parlements ou les populations dans un sens plus large [...]

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Interviewee 9 : Je vous dirais que sauf hasard et expérience personnelle, etc, vu les effectifs réels et les possibilités réelles d'un parti relativement petit, qu'il ne serait pas utile de verser dans la spécialisation, mais plutôt de rester au niveau des généralistes. [...] Je crois qu'en politique, il est important de garder une vue d'ensemble et de voir quelles sont les implications à long terme, quelle est l'intention profonde d'un document.

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Interviewee 11 : On a longtemps à la Chambre des Députés discuté sur le fait s'il fallait y avoir une commission spéciale sur les Affaires Européennes et honnêtement, je n'ai plus souvenir quel était l'aboutissement de cela. Je crois que finalement on ne l'a pas décidé. Un peu par le raisonnement, comme je disais, ça va encore augmenter la complexité des... parce que tout en fin de compte sera européen, même si c'est une directive qui nous arrive sur les transports ou sur l'environnement etc.

E: Et donc concrètement, vous avez vous constatez qu'il y a eu un changement d'attitude parmi vos collègues, qu'ils se sont davantage intéressé à ces questions-là?

Interviewee 11: Oui dans les fractions, dans les groupes parlementaires à la Chambre, c'est devenu beaucoup plus... alors qu'au départ c'était un truc qui était réservé à ceux qui étaient membres de la Commission des Affaires Etrangères et Européennes, et puis au gouvernement quand on était au gouvernement. Aux ténors du parti de le dire et tout le monde écoutait, c'était ça. Non les débats sont quand même devenus plus vivants et plus informés aussi.

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E: En parlant de ce changement de position, j'avais remarqué qu'au Luxembourg beaucoup de députés deviennent ministres, puis redeviennent députés. Ils changent du gouvernement au parlement. C'est dû à quoi, pourquoi? Est-ce qu'il y a plus de facilités au Luxembourg de changer et est-ce que ça a une plus-value pour ces personnes de changer d'institution?

Interviewee 18: C'est pas volontaire en général. C'est très rare qu'un ministre veuille retourner à la Chambre. Les ministres qui sont redevenus députés en général, c'est parce qu'il y a un changement de coalition. [...] C'est sûr que tous les partis à la Chambre préfèrent être au gouvernement, c'est le but. C'est très rare qu'une personne ministre va choisir la Chambre, parce qu'elle pense qu'elle est plus attractive.

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Interviewee 19: Le désavantage que vous avez avec moi, c'est que je ne fais pas partie de la Commission des Affaires Etrangères, qui traite également des affaires de l'Europe. Dans ma carrière de député, je n'ai jamais été membre de cette commission-là. J'étais membre de la Commission des Institutions, Commission Juridique, Famille, Sécurité Sociale, etc, mais pas... donc tout ce qui concerne l'Europe est un peu, comment dire, plus loin que pour d'autres membres de la Chambre des Députés.

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Interviewee 19: Vous savez qu'au Luxembourg, en ce qui concerne les questions européennes, il y a quasiment unanimité de tous les partis politiques en ce qui concerne la politique à suivre. Il n'y avait

pas d'opposition entre les partis politiques en ce qui concerne notre point de vue, notamment le traité de Lisbonne et la Convention Européenne.

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E: Pour aussi voir comment vous travaillez, est-ce que vous avez des contacts avec les députés européens dans votre travail quotidien?

Interviewee 19: Rarement. En principe les députés luxembourgeois pourraient participer à toutes les réunions de notre groupe, mais ils viennent rarement. Nous avons des réunions tous les mardis, mais c'est rare de voir un député européen. S'il y a des sujets particuliers concernant l'Europe, il y a bien l'un ou l'autre qui vient pour expliquer. Mais je dois dire personnellement que j'ai peu de contact avec nos députés européens.

## **Austria**

E: Auf Europäische Angelegenheiten zurück. Hatten Sie vor Ihren Mandaten bereits politische Erfahrungen oder berufliche Erfahrung in diesem Bereich Europäische Angelegenheiten?

Interviewee 2a: Ja das ist schon lange vor dem Mandat mit meiner beruflichen Tätigkeit verbunden gewesen. Ich war Assistent von zwei Landwirtschaftsministern, war vorher in der Bäuerlichen Vertretungsinteresse für die Europäischen Angelegenheiten eine essentielle Rolle spielen logischerweise, und daher ist die Beschäftigung mit Europathemen bei mir immer ein Schwerpunkt gewesen, nicht erst mit dem Mandat.

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Interviewee 2a: Mir ist zumindest aufgefallen, dass es nicht die große Mehrheit der Abgeordneten ist, für die Europathemen relevant sind, oder sexy sind, oder wie immer Sie das nennen wollen. Es ist in Wahrheit, das ist meine Erfahrung, eine "dedicated minority" der Abgeordneten, und zwar in allen Parteien für die Europa wichtig ist und die sich daher kümmern. Das ist auch nicht etwas, was ich im Wahlkreis bei der Versammlung vor den Bürgern verkaufen kann, weil es keine Straße ist, die ich eröffne. A und B, es erfordert ein sehr spezifisches Wissen über Europäische Politiken, über Europäische Institutionen, über das Funktionieren Europäischer Entscheidungsmechanismen um die Informationsfülle auch richtig einordnen zu können.

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Interviewee 3a: Genau es gibt nur zwei, die sich mit den EU-Angelegenheiten beschäftigen. Das ist aufgrund des Volumens, oder aufgrund der Spannbreite der Themen oftmals nicht ausreichend. Wir sind zu zweit, er hat es früher alleine gemacht. Aber auch zu zweit ist es jetzt... Da steht der Brexit vor der Tür, und niemand weiß genau in welcher Richtung wie, was. Es ist zu zweit auch wirklich schwierig. Ich habe auch den Eindruck, oder ich weiß dass es bei den anderen Fraktionen höchstens eine Person gibt, die das auf inhaltlicher Ebene als Referent oder Referentin betreut. Also da sind wir mittlerweile schon gut dran.

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Interviewee 4a: Natürlich gab es immer wieder die Reibungspunkte schon zwischen den Regierungskoalitionen, aber dann natürlich auch mit den Oppositionsabgeordneten. Ganz andere Zugänge. Beispiel die Frage von Subsidiarität war immer für die Österreichische Volkspartei sehr wichtig, weil wir halt ein föderalisches System gewollt haben. Für Grüne oder für SPÖ war das nie ein Thema. Es war ihnen völlig gleichgültig. Dafür war in allen Fragen wo es an mehr an Europa gibt die Freiheitliche Partei immer dabei zurückhaltend skeptisch, auch in der Zeit, wo sie in der Regierung war.

Es war immer schwierig, da eine Zustimmung zu finden. Also es war insgesamt eine ziemlich Herausforderung.

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Interviewee 10a: Die Geschichte dabei ist die, als man 1994 die Änderungen in der Verfassung gemacht hat, hat man sich teilweise an Dänemark orientiert. Und hat hier ein umfassendes Informationsrecht hineingeschrieben, das aber nie wirklich effektiert wurde. Also im Grunde ist es so, dass seit 1994 die Verpflichtung der Regierung besteht, Nationalrat und Bundesrat in allen EU Angelegenheiten zu informieren, und dass es seitdem immer wieder die Streitigkeiten gegeben hat, wie weit diese Verpflichtung erfüllt wird.

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E: Und in diesem Rahmen, welche Rolle sollten die nationalen Parlamente spielen? Sollten sie sich stärker mit EU Angelegenheiten befassen, oder sollte das das EU Parlament machen? Was ist da Ihre Meinung?

Interviewee 14a: Meine Meinung persönlich ist, dass das EU Parlament auch ein Konstruktionsfehler ist, das sollte auch ein wichtiger Teil der Reformen sein, die Abschaffung des EU Parlaments. Das ist eine inkongruente Einheit in diesem ganzen System und es ist ein wesentliches Vehikel zur ständigen Weiterlaufenden Zentralisierung.

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E: Und jetzt bezogen auf den Nationalrat, wie würden Sie Mitwirkungsrechte des Nationalrats hinsichtlich EU Angelegenheiten einschätzen?

Interviewee 14a: In der Verfassungsrealität... Es gibt einmal die Verfassungswirklichkeit und die Verfassungstheorie. In der Verfassungsrealität keine, Null. Es gibt zwar in der Verfassung verankerte Mitwirkungsrechte, also die Möglichkeit zum Beispiel, den Vertreter im Europäischen Rat zu binden, also eine Ausschuss Feststellung zu machen, etwa im Ständigen Unterausschusses des Hauptausschusses in Fragen der Europäischen Union, könnte der Ausschuss eine bindende Ausschuss Feststellung machen, das heißt der zuständige Fachminister wird beauftragt, diese und diese Linie zu vertreten.

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E: Innerhalb des Parlaments, haben Sie gemerkt, dass sich allgemein Ihre Arbeitsmethoden geändert haben im Laufe der Vertragsverhandlungen? Es gab mehrere Reformen, auch Geschäftsordnungsveränderungen, usw.

Interviewee 19a: Und die Arbeit im EU Hauptausschuss ist also eher unbefriedigend gewesen, weil auch hier Materien gekommen sind, die man zwar diskutieren konnte, aber wo man in Wahrheit nichts ändern konnte. Also dieser Bindungsbeschluss an den Minister, der war eher zahnlos, weil der muss an ihn nicht halten. Also insgesamt hat man auch im Österreichischen Nationalrat das Gefühl gehabt, dass man einen relativ großen Teil an Kompetenz nach Brüssel ans Europäische Parlament, die Kommission und den Rat abgegeben hat. Dann zurück kommt es in irgendeiner Placebo Art, in einem Placebo Paket, wo man theoretisch diskutieren und abstimmen kann, aber praktisch alles entschieden ist.

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E: Es gab auch die Einführung von Europa Plenartage und später aktuelle Europastunden. Gab es da tatsächlich eine Verbesserung der Europapolitischen Diskussionen?

Interviewee 19a: Nein. Also aus meiner Sicht ist es alles Placebo. Weil es ja keine Entscheidungsmöglichkeit gibt. Wir können da drüber diskutieren und das war alles so optische Verbesserungen... Man hat es auch gesehen, in der Praxis, es sind oft nationale Themen gekommen,

weil man ganz einfach gesagt haben, "wir wollen mal was Anderes diskutieren", die man dann mühselig mit einem Europaanstrich versehen hat.

## **Finland**

Interviewee 1b: At least the Chair of our Grand Committee frequently retweets my tweets, so she at least pays attention. But that is I guess a challenge for all of us here in Brussels to actually reach the people and to be sure that they read what you send them, and sometimes all of us feel a bit abandoned or a bit on our own, because we get very little feedback from back home. But I tried to be proactive. I do not receive a lot of direction, I do not get this kind of request, like can you write on this topic or can you provide us information on this and that. They more rely on me telling them what they should be interested in, but the other way around... It is sometimes hard to tell who exactly reads my reports or benefits from them, but at least I try to communicate with all of them, politicians and officials.

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Interviewee 2b: The current government, and the previous one, that was ever since 2011, have been very unstable coalitions. And clearly held together pretty much by force, which meant there was a stronger group discipline than usual and less than usual independence on the part of MPs. Quite a lot less activity at the parliamentary level. Also the quality of MPs has changed. They are less independent, and they are less inclined to do the hard work necessary to maintain the scrutiny system. So you get fewer questions to ministers, debates are more general and less specific, and there is more preparedness than before to let ministers get away with vague and unspecific statements...

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E: To focus on your membership in the GC and the Foreign affairs committee, why did you become members of these committees and how are people selected to come in these committees?

Interviewee 3b : Good question. We are elected there by our political group. Let me say that there are not so many members who really want to go to these committees. I will say mainly that the senior members are keen of these. It is telling that senior members are keen about international issues, foreign security and European policy issues.

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Interviewee 4b: I am not that enthusiastic about the EP. I regret to say that it was a mistake to introduce direct elections to the EP. We would have a better, more representative EP if the parliamentarians were still elected from the national parliaments. Although obviously they would not be member of both parliaments at the same time, so that alternate members would come in the national parliament.

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E: I can explain what I am interested in. [Explanation] If you could introduce yourself and tell me if prior to your mandate, you had already a professional experience related to EU affairs.

Interviewee 7b: Actually I did, before I went to parliament, I was active in EU matters. My EU time started with the Trinity College in Dublin. I was doing my postgraduate studies in Trinity College in Dublin in... And before that I was not really interested in EEA or EC or something like that. But then I stumbled during my studies, especially the EU, the EC because it was not the EU, it was the European communities at that time. I enrolled myself to classes about the EU and I was amazed to find out how much the rural conservative Irish society has transformed and is transformed especially because of the EU membership. [...] This was when I genuinely became interested in the EU, and after that I also applied in a stagiairship in the commission. I was one of the first few Finns accepted there and actually that was my beginning. I felt bringing new ideas and thoughts, feeling opening the doors to a different kind of Europe... [...] So it was natural that I would follow also the EU politics in the



parliament. That is what I did from the very beginning of my political career. Also highlighting the fact that I became Minister for EU affairs.

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E: To finish this interview, I would like to have concluding remarks. I am interested if something changed. For example, how would you evaluate nowadays the participation rights of the Eduskunta in EU affairs?

Interviewee 10b: It is a common opinion in Finland that our system is the best in the EU. The fact is that parliament gets excellent information. The problem is whether people read it this information or not, but I would say people are quite aware about what is happening in the EU. Parliament has a lot of influence indeed, it can put limits on our minister in the EU, so the parliament cannot require any more power. The system is working perfect. The problem is that the parliament is quite reactive, so when the commission proposes something, or the political groups in the EU propose something, then the parliament reacts.

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Interviewee 11b : There is a very close contact between the parliament and the government on EU affairs. That is a very specific Finnish phenomenon, that we want to have a very close supervision and discussion with the government.